STVDIA ISLAMICA

COLLEGERVNT

R. BRVNSCHVIG J. SCHACHT

IV

H. A. R. GIBB. — *The Evolution of Government in Early Islam*.. 5

C. RABIN. — *The Beginnings of Classical Arabic*..... 19

A. KARAHAN. — *Aperçu général sur les «Quarante Hadiths» dans la littérature islamique*..... 39

A. D'EMILIA. — *Il Diritto musulmano comparato con il bizantino dal punto di vista della tipologia del diritto*..... 57

O. TURAN. — *The Ideal of World Domination among the Medieval Turks*..... 77

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C. C. BERG. — *The Islamisation of Java*..... 111

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LAROSE — PARIS

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ACHEVÉ D'IMPRIMER LE 20 OCTOBRE 1955
SUR LES PRESSES DE A. BONTEMPS, IMPRIMEUR
LIMOGES (FRANCE)

Registre des travaux imprimeur : n° 1128. — Éditeur : n° 155
Dépôt légal : 4e trimestre 1955

THE EVOLUTION OF GOVERNMENT IN EARLY ISLAM

The reign of Hishām (105-25/724-43) has long been recognized as the crisis of the Umayyad caliphate : that is to say, the moment at which the political organization of Islam was confronted with the problem which every expanding organism must meet when it reaches the limits of its expansion. There are in history uncountable instances of imperial expansion, but very few in which the empire so created was able to attain to relative permanence and stability. To achieve this calls for a transformation of hitherto normal processes and habits of action, and the direction of energies into new channels designed to promote internal development, assimilation and cohesion. To use a biological simile, the organism which has furnished itself with the means and instruments for capturing its prey has to bring into play a new set of organs for assimilating it.

The problem which confronted Hishām was, therefore, not of his own making, but the outcome of a century of history, going back beyond the Umayyads to the Patriarchal Caliphs of Medina. The political organization which the first Caliphs had created was essentially a military organization for the purposes of expansion and enjoyment of the fruits of conquest, and was furnished with no administrative organs for other purposes. The Umayyads inherited this organization and improved its efficiency. It suffered, however, from two factors of instability : (1) that the instrument of conquest was an asso-

ciation of Arab tribesmen, atavistically resistant to control and easily stirred to rebellion; and (2) that rival Meccan families (and even other Arab nobles), jealous of the power and material gains of the Umayyads, used every opportunity to exploit the resentments of the tribesmen. By a necessary and inevitable reaction to these challenges, there had resulted an increasing concentration of power in the person of the Caliph and the emergence of new administrative organs designed to strengthen his control over the tribes.

The Umayyad caliphate was therefore, in a manner, forced into becoming the symbol of a certain type of political organization, sometimes called *étatisme* or pursuit of the interests of the State, and became in consequence suspect on two counts. To the Arabs in general, with their inveterate interpretation of political concepts (like other general concepts) in personal terms, the « interests of the State » meant the interests of the Umayyad family (1), and to the developing religious thought they implied thrusting the interests of Islam down to a secondary plane of consideration. 'Umar II tried to reverse the emphasis (« Muḥammad came to summon men to the Faith, not to collect taxes »), and failed. The natural trend of development could not be arrested, and under Hishām the assertion of *raison d'État* reached a new climax. But simultaneously the basis upon which the power of the Umayyads rested had been steadily narrowing down, until in Hishām's time it came to depend only on the support of the Syrian forces and the new professional army organized by his cousin Marwān b. Muḥammad. Since a large part of the old *muqātila* organization in Asia had fallen into disuse, it was no longer capable of continuing its former function of expansion and conquest; what remained of it could do no more than hold what had been gained.

There are ample evidences that Hishām was conscious of the changed situation of the Arab empire, both internally

(1) Note that there is no Arabic word for « State » as a general concept. Even for Ibn Khaldūn the word *dawla* often explicitly means and always implies the membership of the ruling family. Similarly, *mamlaka* combines the concepts of « kingship » and « kingdom », etc.

and externally, and set himself to meet it. By a genral fiscal reorganization he removed the immediate grievances of the *mawālī* (1) who had been supported in large measure by religious sentiment, and apart from this he cultivated the religious leaders to a greater extent than his predecessors had done, both positively, by personal association with them, and negatively, by active measures against heresy. On the other hand, he showed an open interest in the principles of the former Sāsānid organization and the development of the administrative services in the direction of the Sāsānid system (2). But since the Sāsānid traditions, with their centralized monarchy, powerful aristocracy, and organized religious hierarchy, were deeply uncongenial to Islamic thought, they could only emphasize still more strongly that monarchical evolution which scandalized religious opinion. Though the extent of the opposition to the Umayyad house, even by the time of Hishām, must not be exaggerated, it is clear that it was widely diffused, and by the fact of its wide diffusion made it difficult for the Umayyads (and for Hishām's successors, impossible) to carry out the structural readjustments which were demanded of the Arab empire by the new internal forces of social development, even more than by the limitations of its military power.

Yet the 'Abbāsid caliphs, though in practice they were still more autocratic than the Umayyads, and their administration was still more closely adjusted to the Sāsānid model, were able to satisfy Muslim feeling to a degree never attained by the Umayyads. It seems a paradox that the universal charge traditionally laid at the door of the Umayyads is that they transformed the Caliphate into a Kingship, whereas no Umayyad exercised such personal power or maintained such royal state as did the early 'Abbāsids. The paradox itself suggests that if we are to understand the real nature of the crisis, we have to penetrate more deeply below the surface of events, and more

(1) The evidence for this is inferential, but sufficient. It is reasonably certain that, had the fiscal reorganization been the work of the early 'Abbāsids, it would have been chronicled in their favour.

(2) See *Studia Orientalia Ioanni Pedersen dicata* (Copenhagen, 1954), pp. 105-6, and *Encyc. of Islam*², s. v. 'Abd al-Ḥamīd b. Yaḥyā.

especially free ourselves from the habit of the Arabic chroniclers to view the historical process in terms of personal action, without consideration of the relevant circumstances within which individuals acted and by which their action was circumscribed. The argument here to be presented is that the Umayyads were, so to speak, the victims of a dialectical process within Islamic society, a process of self-criticism by which its political ideals were gradually adumbrated ; but since the society itself lacked the means or the will to define them and to articulate them in a political system, it tried to evade its own responsibilities by fastening the blame for its failure on the Umayyads, as convenient scape-goats.

I begin by drawing what seems to me an important distinction between different types of political tradition. The units which constitute the bodies-politic of modern Western history are in origin either political or racial. In Eastern history, on the contrary, as also in the doctrine of the Christian Church, the basis of the body-politic is, as a general rule, ideological. As the result of the spread and acceptance of certain doctrines — which may or may not be religious in the strict sense (as, for example, the traditionalist ethic of Confucius) — there is evolved a new type of social order. This new social order is, at bottom, an adaptation of the pre-existing social organisms in the spirit of the new doctrines or ideology, and finds expression in a series of appropriate institutions which are created by the labours of successive generations of its adherents. At a relatively early date, for example, an institution for self-propagation is developed, i.e. an educational system ; at a later stage, the older class structure or class groupings of its members are dissolved, in whole or in part, and new and more congenial groupings are substituted for them. Simultaneously, for the regulation of social relations, a new code or system of laws is evolved and brought into operation, and so forth. All of these institutions are inter-related, as being outgrowths or expressions of the ideological principle ; but all are autonomous, subject only to the overriding authority of the ideological principle itself. « Tyranny » arises when any one of these institutions usurps control in a field outside its

own, whether by upsetting the internal balance or by confusing or undermining their basic principles.

Among the institutions so created is the institution of government, which is primarily the organism serving the function of internal and external defence of the new society and its principles. Although the head of this institution is vested with a certain general power of supervision and control, the governing institution by itself (in the theoretical view of the matter) is in no way superior to the other institutions deriving from the ideology or its doctrinal principles, but is co-ordinate with them. But at this point there comes in the problem of power — that is to say, the means by which control can be maintained over the activities of those who possess or wield the largest share of the physical or other forces within the community, and of ensuring that these forces are used in directions consistent with the interests of the community as a whole, or with the ends aimed at in its co-ordinate institutions and desired by their supporters.

In the particular case we are now considering : the preaching of the Prophet Muḥammad, as developed by his Companions and Successors, had two principal results : (1) it laid the foundation of a new order or structure of society ; and (2) it created a powerful instrument of aggressive expansion — whether it was designed precisely for that purpose or not. But these two results were not simultaneous. The development of the first was a lengthy and complex process, involving the application of the doctrinal principles to social organisms and institutions over a period of several generations, and also the creation of appropriate organs and structures to express the resulting functions. The second, on the other hand, was an almost immediate development. Every creative idea generates an immense expansive energy by filling its adherents with missionary zeal ; and when at the same time the idea expresses itself in a political institution — that is to say, asserts its distinctness from and opposition to other political institutions — then this expansive energy almost of necessity creates and encourages a spirit of rivalry, which finds an outlet in wars against the rival political institutions. When these aggressions are success-

ful, and the range and size of operations constantly increase, then a tremendous instrument of power is brought into existence in a very short time.

Ideally, of course, this body of power ought to be the instrument of the ideology by which it was created. In practice, this condition is difficult to achieve, if not almost impossible, when a political institution has established itself in the early stages of the new movement. For power, once created and embodied in an institution, is a giant which cannot be controlled by its own creator, but rather controls him and follows the laws of its own being. There is only one thing that can control power, namely, an equal or superior power. It is one of the principal factors which has differentiated the history of Christendom from that of Islam that a Christian political institution began to be established only after three centuries from the foundation of Christianity, and that the political institution was from the first confronted by an ecclesiastical institution which had acquired from its leadership during the two preceding centuries a powerful authority over the wills and actions of its adherents. But in early Islamic history, so long as the expansive energies of the new ideology were flowing into its instrument of aggressive expansion, there was no internal organism of equal force to counterbalance it. Before a new society can even hope to control the instrument of force which it has itself created, some part of its expansive energies must be transferred to building up the other social institutions in which the new ideology is expressed.

But this, as already pointed out, takes time — certainly not less than a century, perhaps much more. And meanwhile the world does not stand still. This is the factor in the history of the Umayyad caliphate so frequently misunderstood by later observers, whether misled by prejudice, or from lack of knowledge and sense of historical perspective. During the first century or so of its existence, *the new ideology had not yet embodied itself in any social institutions other than that of government.* Consequently there was no other institution to dispute the monopoly of power enjoyed by the institution of government. The alternative did not lie between the govern-

ment's monopoly of power and its abdication of some of its power to some other institution. There *was no* other institution, and in any case power cannot be transferred. The only alternative lay between a monopoly of power — whether that was exercised by the Umayyads or by some other group — and anarchy. And that in practice only the Umayyads were capable of exercising it seems to be shown by the experiment during the Second Civil War of a Zubairid anti-caliphate, which degenerated into a thinly-veiled anarchy.

In the next place, we have already defined the creation of the new social order as an adaptation or remoulding of the pre-existing social organisms in the spirit of the new ideology. But this implies, not only that the older social organisms continue for a time to exist (as of course they do), but also — which is more important — that they still exercise a powerful social influence until they have been subjected to a long-continued and vigorous process of sapping and reconstruction by the other activities and organs of the new order. Consequently — since the instruments of power inevitably fall into the hands of the strongest — the new organization for aggressive expansion is sooner or later captured by those who represent the dominant social forces, even should those be still opposed to, or very imperfectly integrated with, the spirit of the ideology which created it.

This development began within the Islamic Community very early indeed — as early as the third Caliphate. But it went even further, largely as the result of the violent reaction and reassertion of the old tribal groupings and political tendencies which shortly afterwards challenged the Islamic organization of government, with the same rapidity and suddenness with which it had been built up in the first place. This was the critical moment for the survival of the whole organized Islamic movement; the issue at stake in the First Civil War was no other than whether the new social factor and its political embodiment in the Caliphate were to succeed in holding out or to be swept away. There can be little doubt that the inner impulse to the Civil War was the reassertion of tribal autonomy, but it was complicated by the personal position and aims of

ʿAlī. So far as can be glimpsed through the distortions of the later sources, ʿAlī stood not merely for a negation (i.e. opposition to the Umayyads or to the exploitation of the empire by the great Meccan families), but had also a positive vision of a structure of government which should embody the social and ethical values of the Islamic ideology. How in practice, such a structure should be organized, and how it should control and master the disruptive tendencies displayed in the Civil War, we do not know ; for the ideal was, as so often, swept under in the clash of the real forces engaged, and ʿAlī found himself, or was compelled to become, the figurehead of the tribal reaction. Consequently, by another paradox, the victory of ʿAlī could scarcely have led to any other conclusion than the destruction at the hands of the tribesmen of the only social institution as yet created by the Islamic ideology ; whereas, by the victory of the Umayyads, that ideology was preserved — to re-emerge in time and grow in strength so mightily that ninety years later it all but exterminated its preservers.

It is so evident, however, as to need no kind of argument, that after such a struggle the instrument of power, if it survives at all or can be refashioned, must be — in the first instance, at least — very different from the old instrument whose collapse brought about the civil war. The ideological principle as such must emerge from the conflict weakened or shorn of much of its *effective* influence upon the organization of government, and the governing institution must be more consciously based upon the dominant social forces within the body politic.

I emphasize the word « consciously », because at this point the first true crisis *within* the movement is reached. The Civil War decided whether the Islamic movement, as an organized political force, was to continue or not ; but the future of the political organization of Islam was decided by what was done *after* the Civil War. Muʿāwiya *might* have chosen to rebuild the Arab empire upon an exclusively Arab foundation, and to give no place in his system to the Islamic principles. But he did not do so. While he was forced by the circumstances to give the main weight to Arab social traditions, he did what he could to supplement them by the moral influence of the

Islamic ideology. Even when, under his successors, the Umayyad State was forced, by the instability of the Arab tribal structure and its failure to provide a solid foundation of power, to seek for new instruments and sanctions in the monarchical traditions of the empires which Islam had displaced, they still recognized the moral influences of the Islamic principles, and sought to gain and use their support. This is the essential point ; this is where the Umayyads served the cause of Islam. For so long as the instrument of power recognizes the moral claims of the ideology, the creative and expansive forces inherent in the ideology remain unimpaired, and gradually take up the task of building up the other social institutions. More than that : the very fact that the power of the governing institution is largely drawn from other sources means that a large and increasing proportion of the creative energies generated by the new doctrines is transferred from the effort of external expansion to the problems of internal consolidation.

This transfer of energy does not, however, weaken the governing institution at all in the first instance. For the total sum of energy available is immense, and its transfer takes place very gradually. Moreover, we have seen that, in the case of the Umayyads, the expansive force originally called into being by the ideology had in effect become identified with the expansive force of Arab tribalism ; at a later stage, as the ideological stimulus towards external expansion waned, the government was still able to rely on and to exploit the aggressive character which it had impressed upon the spirit and outlook of the tribesmen (1). And since the aggressive spirit stirs up external opposition, it continues for some time to renew itself and to make still greater efforts to expand, in order to destroy the external enemies, or at least to weaken them to the point when they are no longer dangerous. Nevertheless, there

(1) I have not discovered the authority for Wellhausen's statement (*Arab. Reich*, 167) : « Den Eroberungskriegen war er ['Umar II] abhold ; er wusste wol, dass sie nicht für Gott, sondern um der Beute willen geführt wurden ». It is clear, however, that while 'Umar II positively encouraged the *jihād*, he endeavoured to restore and to limit it to its original ideological character : see *Arabica* II/1, pp. 3, 9.

must come a time, sooner or later, at which some rough equilibrium is reached in relation to the external forces — a point at which the impulse of expansion is either exhausted or has become too weak to overcome the opposing forces, and when the governing institution is forced back on the defensive.

This preludes the major crisis in the political development of the new society ; for in the meantime, as the other social institutions take shape, and more particularly the new class structure and law are elaborated, they begin to exhibit and to illustrate, with a clarity hitherto lacking, the specific features and the general moral principles characteristic of the new society. And in so doing, they inevitably show up the fact that the principles which underlie the actions of the old-established governing institution are more or less divergent from what are now coming to be accepted as the principles upon which the society is based, and may even be in certain respects opposed to them. Thus there springs up in an exaggerated form the tension which is always to be found in every society between the idealists and the realists, between those who wish to remodel the government of the society in accordance with their ethical principles, and those who hold the State to be inextricably entangled in the complex of human passions.

This conflict, however, rarely reaches a climax until what I have called a state of external equilibrium is reached, and the political institution, with the decline of its aggressive power, is moving into a defensive phase. In such an institution as the Umayyad caliphate, the weakening of aggressive power against external enemies seems to be linked with a weakening of its power of internal compulsion — the two being in some way related, not logically but psychologically ; but whether this is so or not, the whole problem still remains on the plane of *power*. Granted that the mere fact of the divergence between the principles of action of the State and the norms eventually recognized in the society as a whole creates a cleavage ; granted further that the more the creative energy of the new ideology is diverted from the service of the governing institution into the elaboration of the other social institutions, the more intensely this cleavage is felt, and the more convinced men will

be that their hopes and aspirations can be realized only by making a fresh start, and even by forcible overthrow of the existing government if it continues to resist their demands for a change of measures — granted all this, however, this moral indignation can produce effective results only in one of two ways.

Either the moral forces which have been exerting themselves in the construction of the new non-political institutions become so widely and intensely active that they begin to exercise a real *power* of compulsion upon the governing institution, by defining their political ideals and forcing it to reshape itself into better agreement with these ideals and the principles now universally acknowledged. This is the peaceful (or what we might now call the democratic) method. Or, alternatively, the opponents of the régime may seek to build up a rival aggressive power, and hold it in readiness until the weakening of the Government's own aggressive power offers, or seems to offer, an opportunity to overthrow the Government by the method of civil war. During the reign of the Caliph Hishām both these methods were in operation. Few students of Islamic history would now doubt that the statesmen of the Umayyad house had been profoundly influenced by the programme of 'Umar II. But it would scarcely have needed a prophet to see that in a society in which the nomadic tradition of crude violence was still so powerful, and could so easily be stimulated by appeals to atavistic instincts clothed in moral or religious terms, the chances of reaching a peaceful solution were not very high.

At the crisis of the First Civil War, as we have seen, the issue at stake was whether the political institution of Islam, the Caliphate, was to survive at all as an effective instrument of government, and its outcome was to re-establich the Caliphate upon the dominant social forces of the time. In the Third Civil War, or 'Abbāsid Revolution, the issue at stake this time was not the *immediate* survival of the Caliphate as such — since the existence of the Caliphate was now taken for granted — but whether a new line of Caliphs, whose power was based upon a new distribution of social forces, would or could bring the

principles of the governing institution into line with the creative principles of the Islamic ideology.

The true significance of the 'Abbāsid caliphate can be assessed only from this point of view. It would be premature to attempt to answer here the questions which this raises. They involve first of all all a fresh and objective assessment — which has not yet been made — of the physical and moral foundations of the power of the 'Abbāsid caliphs, and after that an equally objective assessment of the positive relations of the Caliphate to the other and rapidly developing social institutions of Islam. To what extent did the self-styled ' Imāmate ' of the 'Abbāsids really represent a closer adaptation of the institution and principles of government to the social principles of the Islamic ideology than the repudiated ' Kingship ' of the Umayyads ? How much of the extraordinarily rapid development, not only of material culture, but also in all the socio-religious institutions and their instruments, was due, directly or indirectly, to the changes in the bases and the attitudes of the governing institution under the early 'Abbāsids?

I shall venture here only on one general remark, which does not prejudge the answer to the first of these questions, but indicates one respect at least by which the answer must be conditioned.

Revolutions, as history seems to show, rarely change the essential character of basic institutions, but only emphasize — with or without external change of structure — the tendencies which are already shaping them in a given direction. During the Umayyad caliphate, *among* the influences which were shaping the governing institution of Islam, were in the earlier period the Hellenistic, and towards its end the Sasanian, traditions of government. In both of these traditions, the political institution was dominated by the millenial concept of the « Universal Empire » and the *Pan-basileus*. Whatever the degree of satisfaction which the 'Abbāsid revolution may have given in its early years, and in response to other influences, to those forces in the Muslim society which had felt themselves hampered or thwarted by the Umayyads, in *this* respect there is no room for doubt that the 'Abbāsid caliphate was even more strongly

influenced by the Sasanian form of the « Universal Empire » concept and its consequent modalities. Indeed, its influence went much further ; for the later « juristic » expositions of the Caliphate are reaffirmations of the principle of the « Universal Empire » in an Islamic guise or disguise.

But this fact does not mean that this « juristic » interpretation of the Sunnī Caliphate was either a natural or a justifiable result of the application of Islamic principles to the governing institution. It means only that the Sunnī jurists, *modo suo*, in seeking to justify the historical process, were forced to attempt to integrate the concept of the « Universal Empire » with Islam. In other words, the ʿAbbāsid caliphate, so far from adapting its practice to the principles of the Islamic ideology, imposed on the official jurists of Islam the task of adapting their principles to its practice. To the best of my knowledge, the only authoritative voice which was raised against this tendency was that of the Ḥanafī chief qāḍī Abū Yūsuf, who in the preface to his *Kitāb al-Kharāj*, addressed to Hārūn al-Rashīd, explicitly bases the principles of a truly Islamic government exclusively upon the *sunna* of the Patriarchal Caliphs and ʿUmar b. ʿAbd al-ʿAzīz, and implicitly protests against the prevailing cult of the Sāsānid tradition. But the protest, or rather the warning, went unheeded. It was a warning, because, in the ultimate analysis, what was involved in the ʿAbbāsid revolution was the continued existence of the Caliphate as an *effective* governing institution ; and that in turn depended upon its becoming a truly Muslim institution, standing in a proper relation to all the other institutions derived from the principles of the Islamic ideology. History, at least, seems to show that the ʿAbbāsids failed in this respect as signally as the Umayyads, and in their failure, only a few decades after the reign of Hārūn, dragged the Caliphate down with them. The nemesis of the over-rapid conquests of the Arabs — and the political tragedy of Islam — was that the Islamic ideology never found its proper and articulated expression in the political institutions of the Islamic states.

H. A. R. Gibb
(Oxford).

THE BEGINNINGS OF CLASSICAL ARABIC

Our knowledge of the structure of the Arabic language is only to a small extent due to modern research : for most of it we have to thank the Moslem medieval philologists of the three centuries preceding az-Zamakhsharī (1075-1143 A. D.). The grammar most widely used today, Wright's *Arabic Grammar*, goes back to C. P. Caspari's *Grammatica arabica* of 1848, which was based principally on Zamakhsharī, with some slight modifications due to the observations of H. L. Fleischer. In twice revising the work, W. Wright used extensively both the Moslem philologists and the work of European scholars based upon them. The revision by R. Smith and M. J. de Goeje for the third edition left the framework intact, so that we may without exaggeration say that the university student of our days is essentially offered the same course in Arabic grammar as the student of a late Abbasid *madrasa*.

The treatises on Arabic syntax by C. Brockelmann (1), H. Reckendorf (2) and R. Blachère (3) depart a good deal farther from the medieval system, without, however, breaking with it. If one considers how radically modern linguistics has abandoned the traditional approach to the grammar of European languages, we cannot fail to be struck by the extent to which the categories

(1) *Grundriss der vergleichenden Grammatik der semitischen Sprachen*, II, 1908.

(2) *Die syntaktischen Verhältnisse des Arabischen*, 1895-8 ; *Arabische Syntax*, 1921.

(3) In M. Gaudefroy-Demombynes and R. Blachère, *Grammaire de l'arabe classique*, 1937.

established by Sībawaihi and his predecessors in the 9th century A. D. are still felt to be serviceable.

In fact, upon closer examination it appears that the result of the extensive modern research has been mainly to show certain deviations from the norms set up by the Arab grammarians, grouped around the traditional rules somewhat like the deviations around a statistical curve.

This is not accidental, nor is it entirely due to the thoroughness and acumen of the Arab philologists. It is due to the prominent place which the study of the works of these philologists held in the education of those who wrote Arabic, combined with the constant reading of those very texts upon which the philologists had based their analysis : the Koran and the ancient poetry. At least since the end of the Umayyad period, Classical Arabic was not a spoken language, and like all purely literary idioms, naturally conservative, but the place occupied in its acquisition by systematic grammar is, as far as I know, unique among languages. In modern linguistics the question has been much debated by which psychological processes the *langue*, the system of language which lies behind our individual speech-acts, or *langage*, functions within our minds. With regard to Arabic there can be little doubt that the *langue* consisted principally of an articulate set of scientific statements, inculcated in one's youth. Reckendorf observed (1) that progress in the study of Arabic syntax was unlikely as long as it produced only average views (« Durchschnittsbilder »), not studies of individual periods or authors. The fact is that the average view is identical with the philologists' system, while the detailed studies provide systems which will always largely cover it, but where certain sets of deviations may in fact give the whole a markedly different structure. Since, however, the *langue* remains the same throughout, and does not allow any such deviations to become part of itself, a true diachronic treatment of Arabic grammar appears to be an impossibility. Vocabulary and style, on the other hand, though also extensively studied by the philologists, were not fixed by them with the

(1) *Arabische Syntax*, p. iii.

same rigidity. A continuous development is therefore observable, and one hopes that the sound foundations laid for this study in J. Fück's *Arabiya* (1) will lead to a rapid development of research in this field.

Where structure is concerned, research can hope to reach results independent of the Arab philologists only in the study of that period of the language before their influence became decisive, a period which is, of course, also of particular interest as being the formative stage of the literary idiom. At first sight this seems a manageable task, since we possess literary remains of that period (6th-8th cent. A. D.) which are extensive enough to allow us to examine all aspects of the language and yet not too large to permit a total examination. As soon, however, as we look more closely into these sources, the question arises : what is it that we are investigating ?

The material falls into four groups :

1. Pre-Islamic and early Islamic poetry. With regard to the former, doubts have been raised as to authenticity, and we must, even if we consider the corpus as a whole authentic, reckon with the possibility of any individual verse or poem being a later forgery. Both pre-Islamic and early Islamic poems have been revised by editors, as can be seen not only from the extensive variants, but also from the not infrequent cases where verses are quoted by grammarians for some linguistic oddity, while on looking up the *Dīwān* we find the same line slightly reshaped so that the oddity is eliminated. Nevertheless, we possess here a first-class source for the study of the pre-Islamic language ;

2. The Koran. Here again, variants affecting grammar are frequent, and a certain amount of working-over by philologists is admitted, e.g. in the introduction of the *hamza*-sign into an orthography representing a pronunciation which had eliminated the *hamza*. On the other hand, variants affect only circumscribed aspects, as the consonant skeleton has, at least since the Othmanic revision in ca. 650 A. D., been carefully guarded from alteration ;

(1) Berlin, 1950.

3. The Traditions *(ḥadīth)*. These have been extensively used as a source for syntactic phenomena by Reckendorf, and recently by Bloch (1), who employed mainly examples drawn from this category to represent prose as opposed to poetry. Here the problem of authenticity, raised first by Goldziher, is nowadays generally answered in the negative (2). Although even on these modern assumptions many traditions go back to the beginning of the second Islamic century, i.e. before the development of philology, an investigation by an Oxford research student, J. L. Pollard — whose untimely death is a great loss to our studies — shows that in the form in which we get them in Bukhārī and Muslim, they are considerably changed by the introduction of archaizing and pseudo-dialectal elements, some taken from poetry, which are still absent from the older versions of the same traditions ;

4. A small number of first-century papyri and documents handed down in works on history. These include treaties and letters said to have issued from the secretariat of the Prophet (3) which, if genuine, would be extremely valuable evidence for the language used in writing at the time the Koran was revealed.

Medieval Moslem writers were generally agreed on two points : 1) That the language in which the poems were composed was identical with the spoken language of the bedouins of central and eastern Arabia ; 2) That the language of the Koran was the spoken language of the Prophet, i.e. the dialect of Quraish. Since they also held that the language of the Koran was essentially the same as that of the poems, and that it represents Arabic at its best and purest, some (4) drew the conclusion that the dialect of Quraish was the most correct of all Arabic dialects. At the same time the philologists did not obscure

(1) *Vers und Sprache im Altarabischen*, Basel, 1946 (= Acta Tropica, Suppl. 5).

(2) See especially J. Schacht, *Origins of Muhammadan Jurisprudence*, Oxford, 1950.

(3) Collected by M. Hamidullah, *Documents sur la diplomatie musulmane*, etc., Paris, 1934.

(4) Cf. Rabin, *Ancient West-Arabian*, London, 1951, p. 21-3. The theoretical foundation of this view, said ib. p. 22 to emanate from Ibn Fāris, seems in fact to be due to al-Farrā', cf. P. Kahle, *JNES* 8 (1949) 70 col. 1.

the fact that considerable differences were known to have existed between the different dialects ; on the contrary they collected them assiduously, so much so that it has been possible to achieve at least a partial reconstruction of those dialects.

In modern times these statements have been felt to be incompatible, though by no means by all scholars (1). In some cases statement 1 or 2 was accepted at its face value and the other rejected. Thus Ṭāhā Ḥusain (2) drew from his acceptance of the identity of Classical Arabic and the dialect of Quraish the conclusion that all pre-Islamic Arabic poetry, except that attributed to Hijazi poets, must be forged. K. Vollers (3), on the other hand, accepted the view that the bedouins of Nejd and Yamāma spoke a form of Classical Arabic, and concluded that the Koran could not have been conceived in this language, but was only made to conform with it by an extensive process of revision. Its original form Vollers sought to find in the non-canonical readings, which provided a composite picture of a « vulgar tongue » that structurally belonged to the colloquials, not the old dialects, and in particular had lost the case endings *(iʿrāb)*.

It is interesting to note that both Vollers and Ṭāhā Ḥusain include in their treatment of the question lengthy chapters on the ancient dialects of Arabia, for it is the relation of the Classical language to the dialects which really provides the key to the question.

I believe J. G. Wetzstein was the first to claim that Classical Arabic was not the spoken language of the poets who used it for their poetry. This view has been accepted by practically all more recent European writers who discussed the matter at all, whether they believed, with Wetzstein, the Classical language

(1) For instance, P. Dhorme, *Langues et écritures sémitiques*, 1930, p. 53, and L. H. Gray, *Introduction to Semitic Comparative Linguistics*, 1934, p. 5, accept unquestioningly the identity of Classical Arabic with the Meccan dialect. Even J. Fück, *Arabiya*, p. 2-3, is rather vague on this point, though he admits that the Meccan dialect may have differed from the bedouin dialects as much as these last did between themselves.

(2) *Al-Adab al-jāhilī*, Cairo, 1927.

(3) *Volkssprache und Schriftsprache im alten Arabien*, 1906.

to be different from all ancient dialects, or to be based on one or several actual dialects (1). In recent years it has become usual to call it the « poetic *koinē* » — not an entirely happy term, since the Greek *koinē* was, after all, a spoken language, and Classical Arabic, on this view, resembles more closely the status of Homeric Greek. This language is discussed at length in R. Blachère's *Histoire de la littérature arabe* (2), which also adduces numerous examples of such separate poetic idioms in other societies (3).

Apparently independently, H. Fleisch (4), R. Blachère (5), and C. Rabin (6) arrived in the forties at the conclusion that the language of the Koran, far from being pure Meccan either subsequently revised (Vollers) or slightly adapted to the poetic idiom (7), was none other than the poetic *koinē* (8). The deviations from the usage of the poems were seen to be due to unconscious backsliding into the Meccan dialect. Some of them may, as Fück has pointed out (9), be explained as due to the novelty and difficulty of its thought, as well as to the fact that it was perhaps the first attempt to write Arabic prose. Indeed, the latter aspect is put forward with much force, and with apposite parallels from the history of Hebrew, by H. Birkeland (10), whose discussion, though not touching upon the question of idiom, lends much support to the theory just mentioned.

(1) A list of views in Rabin, *op. cit.*, p. 17. An interesting new suggestion is that of W. Caskel, that the 'Arabiyya originated among the settled populations of N. W. Arabia and was transported into Central Arabia as part of the process of Bedouinization (ZDMG 103 (1953) p. *34*; transl. in « Studies in Isl. Cultural History » = Amer. Anthrop. Assoc. Memoir No. 76, April 1954, p. 43.

(2) Vol. I, Paris, 1952, p. 66-82.

(3) *Ibid.* p. 80-1.

(4) *Introduction à l'étude des langues sémitiques,* Paris, 1947, p. 97-101.

(5) *Introduction au Coran,* Paris, 1947, pp. 156-69.

(6) *Op. cit.*, p. 3-4 (the MS was sent to the publisher in 1947).

(7) So Brockelmann in *Grundriss,* I, 1908, p. 25.

(8) This was also the view of Brockelmann in 1947, according to a note in Fleisch, *op. cit.*, p. 100.

(9) *Op. cit.*, p. 3.

(10) *Språk og religion hos Jøder og Arabere,* Oslo, 1949, p. 35-41. See, however, below.

As against this, P. Kahle (1) about the same time went in for a spirited revival of Vollers's theory. Noeldeke (2) had adduced against it that, if the Prophet and his contemporaries had recited the Koran without *i'rāb*, the tradition of it would not have been lost without a trace. Kahle — whose merit in Hebrew studies is to have led research from late and harmonizing sources back to the genuine old traditions — claims that this impression was due to Noeldeke's ignorance of certain old sources. He adduces numerous traditions from a *tajwīd* work of about 400 H. (3) — many of them traceable in earlier collections —, exhorting people to read the Koran with *i'rāb*, and statements in a fragment by al-Farrā', a Kufan grammarian who died in 207 H., to the same effect. Thus he comes to the quite correct conclusion that in the second Islamic century the Koran was frequently read without *i'rāb*. It is less easy to follow him in the further conclusion that this proves the Koran to have been recited from the beginning in this manner, and the case endings to have been introduced only by Koran readers who had studied Classical Arabic from poetry and by contact with bedouin tribes.

The tenor of the traditions quoted, which promise heavenly rewards for reading the Koran with full or even partial *i'rāb* (4), shows clearly that private recitation by the uneducated is intended, not that by trained readers. The opposite of *i'rāb* is called *laḥn*, hence we may conclude that the injunctions do not necessarily refer to complete omission of the case endings, but to their wrong use. We have numerous anecdotes proving that even noble Arabs frequently erred in this matter, and that it was the fear of blasphemous meanings by misplaced case-endings which caused the insistence on correct *i'rāb* as much as the desire to have the Koran recited beautifully. Indeed,

(1) *The Cairo Geniza*, London, 1947, p. 78-84 ; *Goldziher Memorial Volume I*, Budapest, 1948, pp. 163-82 ; JNES 8 (1949) 65-71.

(2) *Neue Beiträge zur sem. Sprachwissenschaft*, 1910, p. 2.

(3) Al-Ḥasan b. Muḥammad al-Mālikī, *At-tamhīd fī ma'rifat at-tajwīd* (Chester Beatty MS. nº J. 152).

(4) So, and not, as Kahle has it, « whoever reads a part with *i'rāb* and a part with *laḥn* ».

it would matter little if these traditions, instead of being probably invented in the second century, really went back to the time of the Prophet, for there must have been many among his followers whose divergent linguistic background caused them to commit solecisms.

It is even possible that the habit of *reading* without vowel endings is old. As is well known, the case endings are omitted in Arabic spelling, which writes all words as if they stood in absolute initial and pausal position. This, of course, is due to the habit of dictating slowly, with automatic pausal pronunciation. But if writing was slow, reading of the Kufic polyphonous script cannot have been fast, and the same adaptations may well have been made. While they did not matter in private letters or books, they were naturally discouraged in reading Koran or poetry. In ordinary prose, sentences were generally turned in such a way that no misunderstanding could arise by the omission of the case endings, which thus became something of a luxury (1). Poetry, on the other hand, could permit itself certain types of tmesis (« Sperrung ») which depended for their effect entirely upon the presence of case-signs (2). The Koran, too, contains quite a number of phrases which do not make sense unless they were conceived with case-vowels.

The insistence on the presence or absence of case endings ignores the fact that the dialect of Quraish was not simply Classical Arabic minus the *i'rāb*. It is not possible today to turn a piece of colloquial Arabic into literary by adding case endings. If anything, the dialect of Quraish must have been more unlike the Classical than the present-day colloquials, which after all are derived from Classical Arabic or from a *Vulgärarabisch* closely related to it. Had the Koran been composed in either the dialect of Quraish or in a « vulgar tongue », no amount of revision without altering the consonant outlines could have made it as similar to Classical as it is. One need only consider the havoc which the one consistent Quraish-

(1) Cf. O. E. Ravn, *Om nominernes bøjning*, etc., 1909, p. 21.
(2) *Ibid.*, p. 117.

ism, the omission of *hamza*, has played with the spelling. If, however, the language of the Koran made concessions to the literary *koinē*, the *ʿArabiyya*, then it must needs have accepted also the case-endings, that feature which was felt to be so essential that it was called by the same word as the use of that language itself, *iʿrāb*. Fück (1) may well be right in seeing in the words Sūra xvi. 103/5 *wa-hādhā lisānun ʿarabiyyun mubīnun* evidence that Muhammad himself was conscious of using the bedouin *ʿArabiyya*, since elsewhere in the Koran *ʿarab* means bedouins.

A question which strangely enough no one seems yet to have asked is this : what reasons caused Muhammad to address his fellow townsmen in a language which originated, and was at the time used, for narrowly circumscribed purposes in bedouin society, and that mainly in regions fairly remote from Mecca? It has, of course, been long recognized that the acceptance of a standard language has nothing to do with the intrinsic merits of the dialect chosen, but is mainly determined by the social prestige of the group from which the dialect emanates, or, in some cases, by spiritual forces using the dialect for their expression. The biography of the Prophet suggests in some of its episodes that the Quraish valued their genealogical connections with bedouin tribes, and were in any case interested in attracting bedouins to their fairs and religious ceremonies. It is possible, therefore, that the self-valuation of the nomad aristocracy was accepted by the townspeople to such an extent that they adopted also the language and the poetry which were the cultural badge of honour in that society. Muhammad's attitude to Ḥassān b. Thābit and Kaʿb b. Zuhair rather supports this, though we must remember that both belong to the Medinean period, when the Prophet was interested in extending his sway over bedouin tribes. Another possibility is that Christian missionaries, starting from Hira, had picked upon the language of the poets so highly valued at that court as the vehicle for carrying the Gospel through Arabia. It would be a natural choice, because it was a dialect already widely understood and respected. If indeed these missionaries used a pre-Islamic

(1) *Op. cit.*, p. 2.

translation of the Gospels into Classical Arabic (1) — and they must have had *some* written material — then the mere existence of a literature written in it would have lent it immense prestige and encouraged those, who, like the Quraish merchants, recognized the usefulness of writing, to employ the same language. Besides, there can be no doubt of the presence of some Christians at Mecca. The documents handed down as Muhammad's letters and treaties may well have undergone some alterations, but it seems that they provide fairly strong evidence that the use of Classical Arabic in documents was already established in Mecca at the time. However strange the materials on which the Companions had written down the revelations (2), the fact that they were written down shows that here was a society where people already placed more reliance on writing than on their memory, and that the language of the revelations was a recognized written idiom with a more or less established spelling. We may speak of a Meccan « office » language, which was there to be used for the new literary purposes.

This theory would also explain how Muhammad could so violently reject the poets while at the same time using their language : if he received the poetic *koinē*, so to speak, at one remove, he might not have been conscious of the connection. Finally, there may be some kernel of truth in the assertion of the superiority of the language of Quraish, and that it contained all that was best in the other dialects, if these statements refer to the written « dialect », not to their spoken language. After all, a great deal of what we are told about other tribal dialects refers to the special nuances of that tribe's literary usage rather than to their spoken dialect. If this theory is accepted, it

(1) Cf. Violet, OLZ 4 (1901) 384-403 ; A. Baumstark, *Oriens Christianus* 18 (1934) 55-66 ; B. Levin, *Die griechisch-arabische Evangelien-Uebersetzung*, 1938. The numerous reminiscences of the New Testament discovered in the Koran by W. Rudolph (*Abhängigkeit d. K. von Judentum und Christentum*, Stuttgart, 1922) and K. Ahrens (« Christliches im Q. », ZDMG 84 (1930) 15-68, 148-90) really presuppose an Arabic written source, not mere oral preaching. Wellhausen also believed that Christians were the first to use Arabic as a literary language (*Reste arabischen Heidentums*, p. 232).

(2) Papyrus scraps, stones, palm leaves, bones, pieces of leather, and pieces of wood ; cf. Noeldeke, *Geschichte des Qorâns*, 2nd ed., II, 13.

would also affect our view of the Hijazi features in the style of the Koran. Many of them might not be due at all to the Prophet's imperfect command of the *'Arabiyya*, but might have been taken over by him as recognized features of a local linguistic tradition.

I would hasten to add that this suggestion still leaves a large number of loose threads. The theory of Vollers and Kahle, on the other hand, seems to me to founder completely on this very problem. If both Muhammad and the Meccan aristocracy were using their own colloquial exclusively, and if the semi-bedouin inhabitants of Medina saw nothing wrong in divine revelations being delivered in a « vulgar tongue », what were the reasons for accepting the bedouin language as an absolute authority in the first and second Islamic centuries, when that Meccan aristocracy was all-powerful and the star of the bedouins in the descendant? If in the century before Muhammad we are entitled to surmise the working of social forces of which we have no clear record, we have no right to do so in a period fully in the light of history. Unless the prestige of the *koinē* had been securely established before the conquests, I cannot see any way of it having become so established afterwards. If, on the other hand, the respect for the *rāwī*, the guardian of correct usage in the accepted literary language, was transmitted by the Arab ruling class to the *Mawālī*, we can understand that the latter turned to people like Khalīl b. Aḥmed in order to perfect their knowledge of the language, and finally to bedouins as informants for their incipient philological studies.

Bloch's researches (1) throw some additional light on our problem. Though restricting himself on the whole to the order of words, he appears to have established the point that the language of poetry does not, within Classical Arabic, constitute a special poetic variety, in the way, say, that the language of poetry does within Biblical Hebrew (2). He shows, however, that a number of words and forms are preferred because they

(1) See above, p. 22, note 1.

(2) Cf. G. R. Driver, *Hebrew Poetic Diction*, Supplements to *Vetus Testamentum*, I (1953), 26-39.

go more easily into metres (1), and that in general poetry freely uses constructions which are distinctly rare in prose. Bloch himself quotes G. Bergsträsser's dictum that the chief characteristic of Arabic syntax is the restriction of the large choice of proto-Semitic constructions to a few standardized types (2). This tendency of development is thus shown to continue into the development of Arabic prose out of the poetic *koinē*. It is obvious that we have to reverse Bloch's approach, and not to treat poetry as a special case of a language principally used as prose but, on the contrary, prose — in Arabic at least — as a special use of an idiom normally associated with poetry. The freer syntax of the poems and of the Koran — and this is likely to apply to most of the Koranic particularities noted by Noeldeke (3) — is the original state of affairs, while the more regularized constructions of prose style are peculiar to the latter. The only construction which Bloch found to be unparalleled in prose, *idhā* clauses with the subject following immediately upon the conjunction (4), appears to be an archaism preserving the emphatic-demonstrative character of the particle (5).

Another possible archaism of the poetic language is stated by W. Caskel (6), namely, that in pre-Islamic poetry diptotes and triptotes « are not yet strictly distinguished » (7). This would be a difference of great interest if it were quite sure that the distinction between diptotes and triptotes developed only within Arabic, or, according to this view, within the ʿArabiyya. However, it has been suggested that diptosy existed in Ugaritic (8) ; and Old-Accadian, in denying case-inflection to proper

(1) P. 7-10.

(2) *Einleitung in die semitischen Sprachen*, 1928, p. 135.

(3) *Neue Beiträge zur semit. Sprachwissenschaft*, 1910, pp. 5-23 ; French translation by G. H. Bousquet, *Remarques critiques sur le style et la syntaxe du Coran*, Paris, 1954.

(4) P. 105.

(5) Cf., for instance, Rabin, *op. cit.*, p. 38.

(6) In the lecture quoted above, p. 24, note 1 ; p. 37 of the English, p. *29* of the German version.

(7) For examples, cf. Wright II, 387-8.

(8) C. H. Gordon, *Ugaritic Grammar*, 2nd ed., 1947, p. 43.

names (1), seems to have a similar phenomenon. It may thus be preferable to follow for once the Arab philologists in treating this confusion as a poetic licence. It may well owe its wide extension to different usages in this respect in the home-dialects of the poets, a factor which is perhaps also responsible for the bewildering variety of case usage in co-ordinated phrases (2).

An interesting problem is raised by Bloch's list of common forms and constructions unsuitable for poetry because they contain sequences of three short syllables which fit into few metres, and of four short syllabes which fit into none, e.g. *fa'ala*, *fa'alalā*, *malikuka*, *fafa'alahū* (3). The existence of such forms seems to be a forceful argument against the theory that the language was largely created by the poets (4) ; the syllabic structure must have existed in the dialect or dialects on which the *koinē* was based, and which the poets did not feel entitled to alter. Even if such forms were never used in a line of verse, they existed virtually in the system, and were at hand when a prose emerged which was not bound to certain rhythmic sequences.

No progress seems to have been made in recent years in solving the problem of the place of origin of the poetic *koinē*. We have still no data to place it any more exactly than in the general region of Nejd, Yamāma, and the Euphrates. The position of Hira as an early centre of poetry, and the fact that the earliest cycle of poems is connected with the War of Basūs, which took place in the Euphrates region, would give a certain preference to that part of the area. As against this, Imru'ul-qais, one of the earliest great poets, was of Kinda, and the Kinda empire somehow seems to provide the natural background for the emergence of an Arab national art.

The real clue should, of course, be provided by comparison with the ancient, pre-'*Arabiyya*, dialects. Interest in these

(1) W. von Soden, *Grundriss d. Akkadischen Gramm.*, 1952, p. 81, par 63 f.
(2) E. g. Wright, II, 40C, 97A.
(3) Pp. 7-10.
(4) This seems to be, among others, the opinion of Brockelmann in *E. I.*, I, 408b.

dialects has become widespread in recent years, and between 1940 and 1951 not less than four full-sized studies dealing with the subject have appeared : by H. Kofler (1), I. Anīs (2), A. Ḥammūda (3), and C. Rabin (4). Kofler's is the most complete collection of material and references, though without an attempt at geographical evaluation (5). Anīs concentrates on phonetic matters, trying to provide something like an Arabic comparative phonology. Ḥammūda draws upon an important source not used by the others, the Koran commentary by Muḥammad b. Yūsuf Abū Ḥayyān (6). My own treatment, along the lines of geographical linguistics, is an attempt to recognize the common features of a group of dialects, those along the Western highlands, with particular stress upon the Hijazi dialect.

Between them these four works exhaust pretty well the information which is to be got out of Arab philologists concerning the grammar and syntax of the dialects. A good deal of work still remains to be done on their vocabulary, and is likely, as in the case of European studies in geographical linguistics, to provide us with better criteria for dialect geography than is done by grammar. It is disappointing, however, that all this work has brought us no nearer to a solution of the problem of the *koinē*. No dialect or group of dialects within the above-mentioned wide area has emerged with a special claim to be the cradle of the *ʿArabiyya*. On the contrary, precisely those regions in which poetry was cultivated most — the Euphrates region, Tamīm, the areas of Nejd bordering on the Hijaz — have turned out to have spoken dialects rather distinct from

(1) *Reste altarabischer Dialekte,* WZKM 47 (1940)-49 (1942), altogether 188 pp.

(2) *Al-lahajāt al-ʿarabiyya,* Cairo ca. 1946, 183 pp.

(3) *Al-qirāʾāt wal-lahajāt,* Cairo, 1948, 226 pp.

(4) See note 9.

(5) A briefer treatment, partly along geographical lines, based upon Kofler's material was undertaken by E. Littmann in his article, *Baqāyā l-lahajāt al-ʿarabiyya fī ʾl-adab al-ʿarabī, Majallat Kulliyyat al-Ādāb,* X. I (May 1948), 1-44. Another interesting attempt to work out features of a single local dialect is by K. Petráček, « Material zum altarabischen Dialekt von al-Madīna », *Archiv Orientální* 22 (1954), 460-6.

(6) See Noeldeke, *Geschichte des Qorâns,* 2nd ed., III, 243.

the poetic idiom. It is unlikely that a study of the vocabulary will give clearer results, for vocabulary is easily borrowed, and it has long been recognized that the poetic idiom has widely borrowed from different dialects.

The mystery is deepened by the epigraphic languages of Arabia. After the systematic presentation of the grammar of South-Arabian by M. Höfner (1) there can be no possible doubt that we have here a language completely distinct from Arabic, and the researches of W. Leslau (2) show that it forms a group together with Ethiopic and possibly Accadian, so that any genetic connection with Arabic is becoming increasingly unlikely. Some of the results of Rabin (3), as well as a recent study by I. Al-Yasin (4), suggest connections of Arabic with North-West Semitic. Arabic has generally been considered to form part of a separate branch of the Semitic languages called South Semitic or South-West Semitic. Among the features distinguishing this branch are the preservation of a wider range of dental consonants and the broken plurals. The first feature is now known also to have distinguished Ugaritic, a North-West Semitic language known since 1929, and the broken plurals are almost certain to be a late development, which has little value as a genetic criterion. It is, of course, an entirely different question to what extent Classical Arabic contains South-Arabian loan-words, or was influenced in its style by South-Arabian.

While thus the various South-Arabian dialects are not very closely connected with Arabic, there is every likelihood of a close connection between Arabic and several languages known to us only through short inscriptions and graffiti in the north-west of the peninsula and to a smaller extent in the neighbour-

(1). *Altsüdarabische Grammatik,* Leipzig, 1943.

(2) *South-East Semitic,* JOAS 63 (4-14); *Vocabulary Common to Accadian and S.-E. Semitic, ib.,* 64 (1944) 53-8.

(3) Cf., e. g. *Archaic Vocalization in some Biblical Hebrew Names, Journal of Jewish Studies* I (1948), 22-6; *The Ancient Arabic Dialects and their Relationship to Hebrew,* Melilah II (1946), 243-55 (in Hebrew); *Ancient West-Arabian,* p. 196-9.

(4) *The Lexical Relation between Ugaritic and Arabic,* New York, 1952, providing 660 equations, not all of them equally certain.

hood of the Persian Gulf. These « Proto-Arabic » languages are distinguished as Thamūdic, Liḥyānic, and Ṣafāitic. In recent years the number of known graffiti has much increased, and grammatical research has been pushed forward (1). From references to various events it has been concluded that graffiti in these languages continued to be incised until well into the 3rd century A. D. (2), perhaps even up to the lifetime of the Prophet (3). They are thus not far removed from the time to which we can ascribe the data recorded as referring to the ancient dialects or the period which is generally considered to be that of the beginning of Arabic poetry.

These languages resemble Arabic closely in their phonological system. Their vocabulary is similar but distinct. Because of the briefness and stylistic monotony of the texts their grammar is imperfectly known, but it shows some striking differences from Arabic, e.g. a definite article *h-* (sometimes *hn-*) resembling Hebrew. The cultural connection between them and the later bearers of Arabic poetry is amply demonstrated by the large common fund of proper names, some of which can be traced back as far as Assyrian inscriptions about fights with « Aribi » of the 9th and 8th centuries B. C., while some are still borne by present-day bedouins in Arabia and North-Africa.

The strange thing is that these languages or dialects throw no light upon the linguistic development of Arabic. They are a group quite distinct from the dialects mentioned by the Arab philologists, and none of their distinctive traits can be traced among data about those dialects. The reason for this seems to be, partly, that the area covered by them, later called that of the Quḍā'a tribes, took no part in the poetic activities of the 6th century (4), and was not reckoned as part of the region whose Arabic was correct. Yet there are some data

(1) Bibliography by G. Ryckmans, *Le Muséon* 61 (1948), 137-213. A. v. d. Branden, *Les inscriptions thamoudéennes*, 1950. Good introduction in E. Littmann, *Thamūd und Ṣafā*, 1943.

(2) Cf. Rodinson, *Sumer* 2 (1946), 137-55 ; a line in Thamudic appears on a Nabataean stela of 267 A. D.

(3) F. V. Winnett, JAOS 73 (1953), 41, dates a Ṣafāitic graffito in 614 A. D.

(4) Cf. Lammens, *L'Arabie Occidentale*, p. 308.

available concerning Quḍā'a dialects, and none of these fit in with what we know about the three Proto-Arabic languages. As is well known, Arab historical tradition has much to tell about *al-'arab al-bā'ida*, lost tribes without genealogical connection with those of historical times. Some such tribes were actually still in existence, such as the Jurhum, from whose language a second-century authority (1) purports to give 24 words. Some of the dialects dealt with by the philologists differ so strongly as to suggest that they belong to an older layer. Indeed, for the Ḥimyar dialect spoken in the uplands of Yemen and the Azd dialect of the isolated coastal areas of Oman in the East and Asir in the South (2) the map suggests that they were remnants of earlier North-Arabian expansions surrounded by seas of later, more « Arabic » arrivals.

At one time it was generally assumed that Arabia was the home of the Semitic peoples. The Arabic language, that is Classical Arabic, was likewise assumed to differ but little from the proto-Semitic parent language. It appeared as a quiet pool, opposed to the stormy development of the other Semitic languages. The realization that the camel was domesticated only around the beginning of the first millennium B. C., and that human settlement in Arabia is likely to date from that event, is now leading ever wider circles to a view of that country as an area of immigration as well as emigration, a meeting place of ethnic elements coming from various directions. These movements produced language mixtures (3) and a chequered map of linguistic boundaries, islets, and isolated remnants of earlier migrations. I have tried to explain the chief linguistic cleavage of pre-Islamic Arabia, that of West-Arabian and the Eastern dialects, as being due to the meeting of genetically disparate linguistic groups (4).

Classical Arabic is seen to stand at the end of a development,

(1) Cf. Rabin, *op. cit.*, p. 7.

(2) *Ib.*, pp. 42-63.

(3) The Ṭayyi' are said to have adopted the language of the Ṣuḥār whom they had overcome, according to Yāqūt, *Mu'jam al-buldān*, I, 127 ; the Hudhail dialect betrays strong Eastern Arabic influence, cf. Rabin, *op. cit.*, p. 79.

(4) *Ib.*, p. 1-2.

not at its beginning. When this development becomes clearer, as one hopes it will now that the archaeological reconnaissance of the peninsula has begun, its ancestry may well turn out to be a highly complicated one.

POSTSCRIPT

The important study on « Stress Patterns in Arabic » by H. Birkeland (1) — which I saw only after the completion of this article — introduces a new problem into the question of the relation between the ancient dialects and the 'Arabiyya. The author shows (p. 12) that the fixed expiratory stress of the modern colloquials of Syria, Iraq, and Egypt was superimposed on a state of language which had long and short vowels where Classical Arabic has them, but had at that time already lost the *hamza* of words ending in *-ā'*. He further comes to the conclusion that this older state of the language had no fixed expiratory stress at all. Both the absence of such a fixed stress and the loss of *hamza*, however, are features of West-Arabian. On the other hand we find that the ancient East-Arabian dialects had a strong fixed expiratory stress, and that the reductions caused by it show it to have been just in the places where it is in the above-mentioned colloquials. It is reasonably certain that the Eastern dialects had preserved the *hamza* of *-ā'*, especially as they are said to have had in a few cases *-ā'* as against Hijazi *-ā* (2) ; since the Arab grammarians do not know the concept of stress, and the structure of *-ā'* nouns is such that tell-tale contractions cannot occur, we shall never know how these words were stressed in the ancient Eastern dialects.

In any case, the colloquial situation presents a curious mixture of Eastern and Western features. One explanation might be that fixed stress spread in a « wave » movement from the Persian Gulf area, that it reached the home of the standard

(1) *Avhandlinger utgitt av det Norske Videnskaps-Akademi i Oslo*, II, Hist.-Filos. Kl. 1954, No 3 ; Oslo, 1954.

(2) Cf. my *Ancient West-Arabian*, p. 141.

'Arabiyya too late to affect its vocalism, and affected the Fertile Crescent and Egypt only after their spoken dialects had lost the final *hamza*. This theory fits in with Birkeland's discovery that in the Maghribine colloquials the same fixed-stress pattern is superimposed on another fixed-stress pattern, or in other words, that it reached those colloquials only after a lengthy development had taken place (p. 28). The situation in the ancient Eastern dialects is, as far as I can see, fully consistent with the assumption that fixed expiratory stress was a fairly recent innovation. It may even have been due to contact with speakers of Aramaic, a language in which the effects of stress play a prominent role.

C. RABIN
(Oxford).

APERÇU GÉNÉRAL SUR LES " QUARANTE HADITHS " DANS LA LITTÉRATURE ISLAMIQUE [1]

Les « Quarante Hadiths » constituent un genre littéraire qui a donné ses premiers fruits dans la seconde moitié du IIe siècle de l'Hégire. Il est en corrélation intime avec la conception de la vie et les étapes de la communauté musulmane dont il suit l'évolution. Des centaines d'œuvres religieuses, morales, sociales et littéraires, apparentées à ce genre, forment un riche fonds de littérature religieuse qui a exercé une grande influence sur les littératures arabe, iranienne et turque.

Nous nous proposons, dans cet article, de préciser, d'abord, les facteurs fondamentaux qui ont déterminé la formation et l'évolution de ce genre littéraire qui, durant des siècles, a reflété avec une étonnante fidélité tous les aspects de la vie religieuse et sociale aussi bien que les inclinations personnelles et morales des compilateurs et des commentateurs. Puis, nous essayerons d'en dégager les points caractéristiques et nous nous contenterons, pour conclure, d'un aperçu général.

D'après nos recherches, voici les facteurs qui ont donné

(1) L'intérêt suscité par la communication que j'ai faite en août 1954 au Congrès international des Orientalistes et par mon livre *Islâm-Türk Edebiyatında Kırkı hadîs « Les Quarante Hadîth dans la littérature Islam-Turque »*, publication de l'Université d'Istanbul, 1954, nº 587 m'a incité à accepter avec plaisir l'offre qui m'a été faite par MM. les professeurs Brunschvig et Schacht de rédiger un article sur ce sujet. Pour de plus amples informations sur les détails et les sources se reporter à l'œuvre précitée. Je remercie M. le professeur Gabriel pour son aide précieuse et amicale.

naissance aux Quarante Hadiths. Nous les énumérons d'après leur importance et leur degré d'influence :

1. D'après les introductions, — identiques par le fond et différentes seulement par le style —, à peu près de tous les Quarante Hadiths, le premier facteur s'avère être ce hadith relaté de plusieurs manières : « Celui de ma communauté qui apprend quarante hadiths en rapport avec les prescriptions religieuses, Dieu le ressuscitera parmi les docteurs de la loi et les savants ».

Ce hadith est considéré comme ayant été rapporté par neuf Compagnons du Prophète en tête desquels se place ʿAlī b. Abī Ṭālib. Ces leçons, bien que comportant certaines différences et variantes, surtout vers la fin, sont identiques quant au fond. Il existe dans l'introduction de la plupart des Arbaʿūn ḥadīṯ des éclaircissements sur les *rāvīs* et sur les variantes de ce hadith considéré ,malgré plusieurs sens, comme *ża'īf* par les *ḥāfiz* de hadith (1). Cependant, ce hadith joue un rôle de première importance dans la compilation et la composition des *Arbaʿīn* : des étudiants aux *muḥaddiṯ*, des ulémas et des novices jusqu'aux maîtres, tous les gens de lettres qui se sont essayés à ce genre, ont choisi ce hadith comme point de départ ou centre d'intérêt de leur œuvre. Car il est d'usage, chez les hadithologues, de se conformer à tous les hadiths traitant de la vertu des actions, même si ces hadiths sont considérés comme *ża'īf*. D'autre part, certains hadiths dont l'authenticité ne peut être mise en doute recommandent aux intellectuels musulmans de s'intéresser aux hadiths et aux Arbaʿūn ḥadīṯ. En voici deux qui présentent un intérêt capital : « Que ceux qui sont présents portent ma parole à ceux qui sont absents ».

« Dieu accordera sa miséricorde à celui qui m'ayant entendu retiendra ma parole pour la porter aux autres ».

Dans un autre hadith nous trouvons cet enseignement :

(1) Cf. Ibn Vadʿān, *Kitāb al Arbaʿīn ḥadīṯ*, Bibl. Nat. Mss. A, nº 772 ; cf. également Abū Ṭāhir Aḥmad al-Silafī, *al-Arbaʿūn al-Buldāniya*, dans la même bibliothèque, les premières pages du même recueil ; voir aussi Muḥy al-Dīn al-Nawawī, *Arbaʿūn ḥadīṯ*, Bibl. Nat., Mss. A. nº 774. Pour la traduction française voir G.-H. Bousquet, En-Nâwâwî, *Les quarante H'adiths*, Alger, 1947.

« Si l'on vous rapporte de ma bouche un hadith conforme à la vérité et à la justice, inclinez-vous et acceptez-le, que je l'aie prononcé ou non ». En nous basant sur ces leçons, nous pouvons affirmer que l'inauthenticité de ce hadith (Celui de ma communauté...) qui a incité plusieurs intellectuels musulmans à se hausser au niveau des fuḳahā' et des 'ulemā', n'a amoindri en rien son rôle de catalyseur dans l'évolution des Quarante Hadiths.

2. Un autre facteur dont il ne faut pas minimiser l'importance c'est le nombre 40. On sait le rôle capital que joue ce nombre, du point de vue de la science des religions comparées, du folklore et du mysticisme, dans la religion, la littérature et le folklore de différents peuples et particulièrement chez les Sémites. Des documents et diverses études nous ont démontré que ce nombre avait gardé son importance à l'ère islamique (1).

La religion musulmane retrouve le nombre 40 dans le *Coran* et dans les hadiths sous les formes « *Arba'īn* » ou « *Arba'ūn* ». Dans le Coran le mot Arba'īn se retrouve trois fois à propos de Moïse, et une quatrième fois dans l'āyet « l'homme devient mûr à 40 ans » (2). D'autre part, A. J. Wensinck l'a relevé dans dix-huit hadiths (3).

On a aussi composé des anthologies comprenant 40 āyet. Dans certains Quarante Hadiths, les *Ḥamd* et *ṣenā*, les *ṣalāt* et *salām* mêmes sont commencés par un rappel des āyets et hadiths en rapport avec le nombre 40 (4). Ce nombre a servi aussi à rendre intelligible les vertus occultes des quarante noms de Dieu.

(1) Voir : Ed. Mahler, *Das Himmelsjahr als Grundelement der altorientalischen Chronologie*, ZDMG, 60e vol., Leipzig, 1906, pp. 825-836 ; Ed. Kōnig, *Die Zahl Vierzig und Verwandtes*, ZDMG, 61e vol. Leipzig, 1907, pp. 913-17 ; W.H. Roscher, *Die Zahl* 40 *im Glauben, Brauch und Schriftum der Semiten.* Königlich Sächsische Gesellschaft der Wissenschaften (Phil.-hist. Klasse, XXVII), 1908, pp. 93-138 ; O. Rescher, *Einiges über die Zahl Vierzig*, ZDMG, 65e vol., Leipzig, 1911, pp. 517-520.

(2) Sourates *Baḳara*, 48e āyet ; *Mā'ida*, 28e ; *A'rāf*, 138e ; et *Aḥḳāf*, 14e.

(3) *Concordances et indices de la tradition musulmane*, livraison X, Leiden, 1938, pp. 215-216.

(4) Cf. 'Alī al Ḳārī, *Mubīn al-mu'īn...*, manuscrits Reşid Ef., Istanbul, bibliothèque Millet, A. 2166 ; Ahmad b. Şaykh Muhammad, *Ḥadīṣ-i arba'īn*, le manuscrit de l'auteur se trouve à la bibliothèque Süleymaniye d'Istanbul, Esat Ef., no 3632.

On sait de même que Moḥammad est devenu prophète à 40 ans et que la religion musulmane est entrée dans la période de diffusion quand le nombre des fidèles s'est élevé à 40. On a aussi composé des anthologies comprenant les quarante paroles des quatre premiers Califes et particulièrement de Imām ʿAlī. Dans le droit musulman le nombre quarante occupe une place de choix : le zekât, une des cinq conditions de l'Islam, se calcule en prenant le quarantième de l'avoir ; celui qui boit du vin est puni par quatre-vingts coups de cravache ainsi que celui qui après avoir accusé une femme d'infidélité n'arrive pas à trouver quatre témoins pour étayer son accusation.

La croyance aux « *Çillen*, les quarante » est une preuve de l'importance accordée au nombre 40 par le monde musulman. De nos jours encore, le peuple musulman croit à la grande force morale des Quarante et à l'importance sacrée du nombre 40 (1).

Notons aussi que le jeûne *(Çile)* de 40 jours *(Arbaʿīn)* représente, aux yeux des soufis, une épreuve d'endurance et d'humiliation. D'après une croyance islamique la pâte humaine est pétrie « avec la pluie pendant quarante jours » (2). L'eschatologie islamique accorde aussi une grande importance au rôle joué par une durée de quarante jours ou de quarante années. Il est inutile se rappeler la part accordée à ce nombre dans la médecine populaire, les contes et les proverbes.

On se refère souvent au nombre 40 chez les musulmans iraniens. Citons, pour mémoire, quelques exemples où l'on retrouve l'expression *Çihl* (quarante) :

« Çihl sütūn, çihl menār, çihl gīsū-bānū, çihl duḫtarān, çihl-vazīr, çihl-ten, çihl-ḳad, çihl tīh, çihl müzd, çile, çile-nişīn, çile-i zen, çile-i beçe, çihle-i murda, çihle-i tābistān, çihle-i zamistān, çihl-çarāġ, çihl rūz mohlat ḫwastan, çihl sāl », etc.

(1) Voir par exemple : Andreev, M. S. *Ciltani v Sredneaziatskiĭ verovaniya ʿIḳd al-Djumān*, Taşkend, 1927, pp. 334-348 ; Goldziher, *Abdāl, Encyclopédie de l'Islam*, vol. I, p. 71 ; Fuad Köprülü, *Türk Halk Edebiyatı Ansiklopediśi*, Istanbul, 1935.

(2) On en trouve une illustration dans *Ḥadīḳat al-Suʿadā* du poète Fuzulī, Istanbul, 1268, chapitre I, p. 9.

Chez les musulmans turcs, le nombre 40 a la même importance que chez les musulmans arabes et iraniens. La formation de certains noms de tribu est considérée comme une manifestation du pouvoir mystique de ce nombre (1). Dans les histoires des saints, dans l'histoire ottomane, dans les contes populaires et dans le folklore, dans les mariages et dans les naissances, le nombre 40 se retrouve comme un élément mystérieux. Il devient parfois un nom de groupe (les quarante voleurs, les quarante fées), un symbole de la pluralité (quarante passages, quarante maisons). En résumé, on peut affirmer que l'importance de ce nombre dans le monde islamique le désigne comme un des facteurs primordiaux dans le développement des *Arba'īn*.

3. Il existe d'autres facteurs qui entrent en jeu dans la genèse des Quarante Hadiths : ils sont pour la plupart d'ordre moral et spirituel.

Notons d'abord, que dans l'introduction de la plupart des *Arba'īn*, on retrouve le besoin de s'attirer la clémence du Prophète et l'espoir de se soustraire aux souffrances de l'enfer. Ce besoin et cet espoir ont joué un grand rôle dans la vogue des œuvres de ce genre. La perspective d'être admis au rang des martyrs grâce à un *Arba'īn* n'était pas pour déplaire à un poète ou savant musulman (2). De plus, avec un pareil livre, on pouvait s'attirer sûrement la bénédiction et les louanges des survivants (3). Certains auteurs, en proie aux malheurs les plus tenaces, trouvaient dans la rédaction de Quarante Hadiths un sujet de consolation, une occasion pour s'élever jusqu'au plan spirituel où se situe le Prophète. De plus, ils avaient la conviction de servir le peuple musulman et de se conformer

(1) Voir par exemple : Sıdıkov, A. S., *Rodovoye, deleniye Kirgiz, Iḳd al-Djumān*, p. 227 ; L. Massignon, *La légende de Hallâcé Mansûr en pays turcs*, Revue des Études Islamiques, Paris, 1941-46, p. 77 et suite.

(2) A comparer : Kastamonulu Latîfî, *Subḥat al-'uṣṣāḳ*, bibliothèque Nuruosmaniye, manuscrit n° 4897 ; Ḥazînî, *Arba'īn*, Ankara, manuscrits de Ismail Saip, n° 738.

(3) Muḥammad b. Abî Bakr, *Arba'īn*, Istanbul, 1328 ; Uzun Firdevsî, *Şarḥ-i Çihl ḥadîs*, manuscrit unique qui se trouve dans ma bibliothèque personnelle, l'introduction.

aux préceptes de la religion (1). Certains savants ont rédigé, plus tard, soit pour leurs étudiants soit pour poursuivre la tradition établie par les docteurs, des Quarante Hadiths à caractère didactique (2). Il va sans dire, que ces livres mis au programme des séminaires, assuraient à leurs auteurs une renommée et une autorité exceptionnelles. D'autre part, les prédicateurs, heureux d'avoir à leur disposition des anthologies de ce genre, s'en servaient abondamment pour rédiger leurs sermons. Certains auteurs se sont conformés, dans leur choix, exclusivement à leur goût personnel et se sont assuré, ainsi, une plus large audience. L'auteur trouvait, surtout dans les commentaires, l'occasion d'exprimer ses sentiments et ses pensées personnelles. Il existe, enfin, des *Arba'īn* qui reflètent les penchants sociaux, politiques et religieux de leur époque, ainsi que des auteurs qui, avec un art consommé de la polémique, soutiennent leur manière de voir et combattent les interprétations qu'ils jugent erronées (3). Notons aussi qu'il existe des Quarante Hadiths qui n'ont d'autre raison d'être que de plaire aux chefs du gouvernement, aux personnes influentes, et qui sont rédigés uniquement pour s'attirer les bienfaits de quelque seigneur (4).

* * *

Les *Arba'īn* ont été rédigés, dans les littératures arabe, iranienne et turque, soit en prose, soit en prose et vers, soit enfin uniquement en vers. Les premiers essais ont été faits par les Arabes, en prose. Ces compilations qui ne visaient à rien d'autre, au début, qu'à fournir une matière d'enseignement aux étudiants et qui furent, jusqu'aux derniers temps, l'objet d'un

(1) Sa'd al-Dīn Taftāzānī, *Arba'īn*, Istanbul, 1316 ; Fuzulī, *Kırk Hadīṣ*, bibliothèque nationale d'Ismir, n° 11/517 et bibliothèque de Millet-Hekimoğlu, n° 168 (MSS).

(2) Bursalı Ismail Hakkı, traduction de *Ḥadīṣ-i Arba'īn*, Istanbul, 1317.

(3) Voir par exemple : Ankaralı Ismail Rüsûhî, *Arba'īn*, bibliothèque Süleymaniye, section Nafiz Paşa, exemplaire unique, n° 184.

(4) Comparer : 'Āṣiḳ Naṭṭā'ī (Aşık Çelebi), *Ḥadīṣ-i Arba'īn* (traduit d'Ibn Kemal), Istanbul, 1316 ; Osman-zada Ta'ib, *Ṣiḥḥat-ābād*, bib. de Murad Molla, section des manuscrits d'Hamidiye, n° 230.

examen d'habilitation dans les séminaires, devaient forcément être rédigées en prose pour garder leur caractère didactique et utilitaire. Par contre, dans les littératures iranienne et turque, les œuvres de ce genre, qu'elles soient des créations originales, des traductions ou des commentaires, ne se présentaient sous forme de prose que lorsqu'elles étaient l'œuvre des ulémas. Mais, les poètes et les littérateurs avaient une prédilection marquée pour les vers (1). Chez les Arabes, les auteurs d'*Arba'īn*, pour la plupart des savants et des commentateurs, se servaient tout naturellement de la prose qu'ils jugeaient plus apte à exprimer un contenu scientifique ou moral. On trouve cependant, dans les commentaires d'*Arba'īn*, des passages en vers, d'ailleurs empruntés, pour la plupart, à d'autres poètes (2).

Les *Çihl ḥadīṯ* iraniens en prose et en vers semblent avoir joui d'une grande faveur. Il faut en chercher la cause dans le fait, qu'en Iran, les poètes et les littérateurs éprouvaient autant d'attrait pour ce genre que les savants et les soufis. D'ailleurs, les Arabes avaient beaucoup fait pour les *Arba'īn* sur le plan scientifique; il ne restait donc aux Iraniens qu'à exploiter le côté littéraire et poétique de ce genre (3). Quant à l'apport proprement turc, on sait qu'il existe un grand nombre d'*Arba'īn*, que les *Arba'īn* arabes ont inspiré surtout nos érudits et que par contre les poètes ont pris pour modèle les *Arba'īn* iraniens et qu'ils se sont contentés, souvent, de traduire textuellement leurs modèles (4).

Les Quarante Hadiths rédigés entièrement en vers sont légion dans les littératures iranienne et turque. On peut affirmer que ce sont les poètes turcs et iraniens qui ont fait des traductions d'*Arba'īn* un genre littéraire à part et lui ont conféré une place

(1) Grâce à l'obligeance de MM. les professeurs Hamidullah, Yusufuddin et P. Voorhoeve, j'ai pu recueillir certaines données sur l'existence de ce genre aux Indes, au Pakistan et en Indonésie. Mais ces données me semblent insuffisantes pour englober ces régions dans mon étude.

(2) Krş. Taftāzānī, *Şarḥ. ḥadīṯ. Arba'īn*, Istanbul, 1316.

(3) Cf. Aḥmad Rūmī, *Umm al-Kitāb*, Bibl. Nat., MSS. P., n° 35; Husayn Vā'iẓ Kāşifī, *al-Risālat al-'alīya...*, Bibl. Université d'Istanbul, MSS. P., n° 201.

(4) Cf. Ali b. Hadjı Mustafa, *'Amā'il-i faẓā'il-i cihād*, manuscrit unique du libraire Raif Yelkenci; Okçu-zade, *Aḥsan al-ḥadīṯ*, Istanbul, 1313.

de choix dans le cadre de la littérature didactico-religieuse. Le système métrique employé est l'*'Arūż*, avec une prédilection marquée pour les deux mètres suivants :

a. Fa'ilātun mafā'ilun fa'ilun
b. Fā'ilātun fā'ilātun fā'ilun.

Les formes les plus employées sont le *Ḳiṭ'a* et le *Maṣnavī*.

Une des particularités des *Arba'īn*, c'est la richesse et l'ampleur de leur contenu. Presque tous les sujets en rapport avec la religion et le monde y sont traités. Plusieurs auteurs, au lieu de consacrer leurs quarante Hadiths à un seul sujet, ont préféré traiter dans un seul livre plusieurs thèmes et assurer une plus grande richesse à leur œuvre. Parmi ces *Arba'īn* d'une grande diversité de contenu et formés par la compilation des hadiths les plus connus et les plus importants, celui de Nawawī occupe le premier plan (1).

Dans le cadre des Quarante Hadiths centrés sur un même sujet, citons ceux qui réunissent les hadiths composés à la louange du *Coran*. Certains se rapportent uniquement aux *Āyet* et *Sūra* (2) ; d'autres englobent tout le *Coran* (3). D'autres enfin, sont en rapport avec les cinq prescriptions essentielles de la religion musulmane, à savoir le jeûne légal, la prière, le pèlerinage à La Mecque, la dîme et la profession de foi (4). Il existe aussi des *Arba'īn* traitant des vertus du vendredi et des prières en général (5).

On trouve également des *Arba'īn* sur les vertus du prophète Muḥammad et des quatre califes pris ensemble ou séparément (6) La plupart des Quarante Hadiths qui traitent d'*Āl-i 'abā* ou d'Imām 'Alī ont un caractère politique et visent à la propagande chiite (7).

(1) Voir : Dr. Abdülkadir Karahan, *Arba'ūn d'al-Nawawī et leurs commentaires arabes*, al-Machriq, XLVII[e] année, Beyrouth, 1953, pp. 764-773.

(2) Yūsuf al-Urmiyūnī, *Arba'ūn ḥadīṯ fī faẓl sūrat al-Ikhlāṣ*, Bibl. Nat., MSS. A., n° 744 (revue) et bibliothèque de Millet-Hekimoğlu, n° 181, Istanbul.

(3) 'Alī al-Ḳārī, *Arb. ḥadīṯ fī faẓl al-Ḳur'ān*, bibl. d'Hamidiye, n° 200.

(4) Voir : Ubayṣirī, *Arb. ḥadīṯ fī faẓlman ḥafiẓa 'alā 'l-ṣalāt*, bibl. du Khidiv, Égypte, n° 6487.

(5) *Ḥadīṯ al-Arba'īn fī faża'il al-Djum'a*, bibl. d'Ayasofya, MSS, n° 514.

(6) Voir par exemple : Al-Nabhānī, *al-Aḥadīṯ al-arba'īn...* Beyrouth, 1315.

(7) A comparer : Aġa Buzurg, *al-ẕari'a...*, Necef et Tahran, I et IV, 1355, 1360.

Parmi les œuvres de cette catégorie, certaines reflètent les penchants mystiques des soufis (1), tandis que d'autres, dépassant les besoins immédiats et terrestres, expriment directement les problèmes que pose l'au-delà à l'être humain. Rappelons aussi les Quarante hadiths qui traitent du *ẕikr*, de la prière, des *ṣalāt* et *salām* sur le Prophète, de la visite aux morts, de la résurrection, etc (2).

La science et le savant ont fait l'objet de certains recueils de Quarante Hadiths. Car, du temps de Muḥammad, la science était considérée comme la plus divine des occupations (3). Par la suite, les Quarante Hadiths, se conformant à l'évolution de l'Islam, devinrent des prétextes pour définir les droits des sultans, pour inciter le peuple à obéir au chef des fidèles, à la justice et aux juges.

La guerre sainte occupe aussi une place d'élection dans les Quarante Hadiths. Il fut de mode, à un certain moment, de réunir dans un livre les hadiths traitant de la guerre et des moyens de lutte du Prophète. Ces œuvres abondent dans les périodes de prospérité et de réforme militaire. Il existe d'autre part des *Arbaʿīn* sur le mariage, sur les costumes, sur l'aide aux pauvres, sur les vertus d'un peuple ou les mérites d'une région, et même sur la médecine, l'humour et l'art d'écrire (4).

* * *

Les *Arbaʿūn ḥadīṯ* écrits en arabe sont, par la quantité et la qualité, ce qui a été fait de plus important dans ce genre. Cette tradition remonte à ʿAbd Allāh al-Marwazī, le *tābiʿ al-tābiʿīn* qui a vécu au XIII^e^ siècle. De célèbres érudits musulmans, et surtout des hadithologues avaient l'habitude de dicter des hadiths à leurs disciples. Ceux-ci notaient les paroles du maître, les classaient suivant un certain ordre, et ces notes revues et

(1) Cf. Ṣadr al-Dīn Ḳonavī, *Ṣarḥ al-ḥadīṯ al-arbaʿīn*, Égypte, 1324.

(2) Aḥmad b. Muḥammad, *Arbaʿūn ḥadīṯ*..., Istanbul, bibl. d'Esat Efendi, n° 3632.

(3) Muh. b. Muhammad, *Arbaʿūn ḥadīṯ*... Bibl. de Nuruosmaniye, n° 957.

(4) Cf. Dr. Hüseyin Remzi, *Ṭıbb-ı Nebevī*, Istanbul, 1319 ; Mustakım-zade Saʿd al-Dîn, *Ḥuccat al-ḥaḳḳ al-ḥasan*, Istanbul, Bibl. de Millet-Pertev paşa, n° 614.

corrigées par le professeur formaient la matière d'un *Arba'ūn ḥadīṯ*. Celui de Abū Bakr al-Ādjurrī (mort en 330/942) que nous avons eu l'occasion d'examiner, permet de remonter du copiste de notre manuscrit jusqu'au véritable auteur de cet *Arba'ūn* (1). L'*Arba'ūn* d'Ibn Vad'ān (mort en 494/1101) a été aussi rédigé avec des notes prises pendant un cours (2).

Certains *Arba'ūn* arabes contiennent seulement quarante hadiths. D'autres au contraire font suivre chaque hadith d'un bref commentaire. Dans les œuvres postérieures, les hadiths sont étayés par des *āyets*, des hadiths complémentaires et des contes religieux appropriés. Quant aux livres conçus pour servir de glossaire à un *Arba'ūn*, on y trouve des explications sur les mots et la grammaire, sur les *rāvīs* des hadiths en question, sur l'éloquence et en général sur tous les problèmes que soulève l'intelligence du texte.

Le « Quarante Hadiths » le plus commenté et le plus connu en Occident est celui de Muḥy al-Dīn Abū Zakariyā Yaḥyā b. Şaraf al-Nawawī (631-676/1233-1277) (3). Il a donné lieu, rien qu'en arabe, à plus de cinquante commentaires auxquels il faut ajouter ceux rédigés en iranien et en turc.

Il est impossible de préciser le nombre d'*Arba'ūn* écrits en arabe. Même si, laissant de côté ceux qui sont perdus depuis des siècles, nous tentions d'établir la liste des manuscrits enfouis dans les bibliothèques des pays musulmans, notre tâche serait presque insurmontable. Il suffira pour s'en convaincre, de méditer sur le nombre approximatif que nous avons obtenu en

(1) Le manuscrit que nous avons étudié se trouve au Palais de Topkapı, dans la bibliothèque d'Ahmed III, nº 357. D'après une lettre que j'ai reçue du Professeur Arberry, l'un des plus anciens *Arba'ūn*, à savoir *Kitāb al-arba'īn u*'al-Sulamī, se trouve actuellement dans la Bibliothèque privée de Sir Chester Beatty à Dublin, et a été édité par le Professeur Arberry dans la série des publications du Dairetul Maarif d'Haydarabad.

(2) Exemplaires consultés : Bibl. Nat., MSS. A., nº 722 (mecmua) ; Istanbul, Bibliothèque de Süleymaniye-Lâleli, nº 3733 (Mecmua) et bibl. Esat, nº 312.

(3) A part la traduction de Bousquet, il a été édité au Liban avec texte arabe, traduction française, transcription et des commentaires (C. R. E. A.) à partir de 1949. M. le Professeur Németh me fait savoir, dans une lettre, que Goldziher a donné une traduction de ces Quarante Hadiths en hongrois, avec une introduction et des commentaires (*Az Islam*, Budapest, Académie des Sciences, 1881, pp. 383-412).

travaillant à la Bibliothèque Nationale et au British Museum et en compulsant les références des œuvres spécialisées et les catalogues des bibliothèques étrangères : nous avons pu prendre connaissance, de « 252 » *Arba'ūn ḥadīṯ* rédigés par « 218 » écrivains, compilateurs, catalogueurs et commentateurs (1).

Ce genre étant directement lié à la science des hadiths, et la langue scientifique du monde musulman étant l'arabe, quoi de plus naturel que les œuvres les plus représentatives et les plus célèbres de ce genre aient été conçues dans cette langue ? Il est cependant un point qu'il importe de préciser : tous les compilateurs des Quarante Hadiths écrits en arabe ne sont pas nécessairement des Arabes. Plusieurs appartiennent par leur race, par leur origine, à d'autres peuples musulmans, et particulièrement aux Iraniens et aux Turcs. Grâce à eux, les Quarante Hadiths, conçus primitivement comme des instruments pratiques pour l'enseignement de la religion, ont acquis un caractère littéraire, didactique et religieux. Il nous suffit de rappeler, pour nous en convaincre, les Quarante Hadiths commentés par Sa'd al-Dīn Taftāzānī, Bahā al-Dīn 'Amulī, 'Alī al-Ḳārî.

Quant aux traductions iraniennes des Quarante Hadiths, elles offrent deux particularités : la valeur littéraire est inséparable, dès le début, du caractère religieux et finit même par le supplanter ; les faits et gestes, et les vertus d'Imām 'Alī sont les sujets de prédilection de presque tous les traducteurs et commentateurs (2).

Il n'est pas étonnant que l'on rencontre de temps en temps, dans les traductions iraniennes des Quarante Hadiths, de beaux exemples de littérature religieuse : le génie iranien, pétri de poésie et d'art, se devait d'insuffler un élan nouveau à ce genre et de lui donner un caractère littéraire, ne serait-ce que pour éviter un didactisme stérile. D'autre part, le choix d'Imām 'Alī comme thème principal des Quarante Hadiths ou dans les

(1) Cf. les listes chronologiques et alphabétiques (pp. 72-75 et 76-87) de notre ouvrage « *Les Quarante Hadiths dans la littérature Islam-Turque* ».

(2) Dans le livre de Aġa Buzurg, la moitié des *Arba'ūn* cités sont composés de hadiths où il est question d'Imām 'Alī. On le comprend rien qu'à voir les titres.

« Cent paroles d'Imām ʿAlī » (1) est une étape nouvelle dans la lutte séculaire et sanglante qui opposait les Sunnites aux Chiites : les Chiites utilisaient ces Quarante Hadiths comme une arme de défense, comme un élément de propagande politique (2).

Il nous est impossible de fixer la date de naissance de ce genre en Iran. Un des plus anciens Quarante Hadiths que nous ayons eu en main date de 500/1107 ; il a pour auteur Muḥammad b. Muḥammad b. ʿAlī al-Farāvī al-Ḥarīmī et porte le titre de *Ṭabīb al-Ḳulūb :* on y trouve des hadiths sans aucune référence aux sources et une partie consacrée aux contes (3). Mais l'œuvre la plus célèbre est sans conteste celle d'ʿAbd al-Raḥmān Djāmī (817-898/1414-1492). Cette œuvre, composée de 40 hadiths faciles à retenir et de leur traduction, est écrite suivant la formule métrique du « *Faʿilātun mafāʿilun faʿilun* ». Elle a, dès sa parution, exercé une grande influence et trouvé de nombreux imitateurs surtout dans les littératures iranienne et turque (4). Rappelons aussi, l'« *al-Risālat al-ʿalīya fi'l-aḥādīṣ al-Nabavīya* » de l'érudit-poète Ḥusayn Vāʿiẓ Kāşifī (mort en 910/1505), où l'on retrouve, dans le texte en prose, des vers rédigés sous la forme de *masnawī* et de *rubāʿī*. Nous devons cependant ajouter que ce genre a donné beaucoup plus de fruits dans les littératures arabe et turque que dans la littérature persane, et cela malgré les quarante-six *Çihl ḥadīş* iraniens que nous avons pu découvrir.

Parmi les peuples musulmans, les Turcs ont été les plus productifs en matière de Quarante Hadiths rimés. Notons cependant que la plus grande partie de leur production était en arabe, car les érudits turcs considéraient cette langue comme la langue scientifique par excellence et ne pouvaient — ni ne voulaient, d'ailleurs —, s'insurger contre cette tradition. Quelques-unes de ces œuvres figuraient, dans les siècles derniers, dans les

(1) Cf. bibl. Süleymaniye-Aşır, section des manuscrits, nº 1 ; bibl. de Nurosmaniye, nº 782 ; Bibl. nat. MSS. P, suppl., nº 510, 511, 513, et 1387.

(2) Voir pour plus amples détails sur ces luttes au XVIe s. : Dr. Abdülkadir Karahan, « *Fuzulî, son milieu, sa vie et sa personnalité*), Ist. publ. de l'Université, nº 410, 1949, p. 47 et suite.

(3) Bibl. de Nuruosmaniye, nº 957 (mecmua), la première œuvre.

(4) Cf. pour détails et traduction en turc : Dr. Abdülkadir Karahan, *Arbaʿîn de Djāmî et ses traductions turques,* Istanbul, 1952.

séminaires de certains pays musulmans : citons les *Arba'ūn ḥadīṯ* de Birgivî-Akkermanî, d'Ibn Kemal Paşa (1).

Parfois, des auteurs ottomans ont traduit en persan des Quarante Hadiths. Citons, comme exemple, Sayyid Ṣadr, Bitlisli Idris, Uzun Firdevsî, Özbek Veliyuddin, etc (2).

Il était naturel que les Turcs produisent des *Arba'ūn* en arabe et en persan, puisqu'ils considéraient ces deux langues comme les langues de la science et de la poésie. D'ailleurs, les Turcs sont renommés pour la facilité avec laquelle ils apprennent les langues étrangères.

Les savants et les poètes turcs ont de tout temps possédé à fond l'arabe et le persan, et ont été capables d'entreprendre des recherches littéraires sur les œuvres écrites dans ces langues. Ils ont produit des œuvres en arabe et en persan, tandis qu'il est rare de rencontrer un Arabe ou un Persan capable de rédiger directement une œuvre en turc. Les Quarante Hadiths nous fournissent une preuve à l'appui de cette thèse. Remarquons cependant, que les *Arba'īn* écrits en turc dépassent de loin, par leur valeur didactique et littéraire, ceux qui furent écrits en arabe ou en persan par des Turcs. Cela est très naturel. Nous partageons l'avis du professeur Berthels qui a publié une étude sur les poésies en arabe du poète Fuzulî : « Un homme qui écrit une langue étrangère est dans la nécessité de se conformer aux lois de cette langue. Il est tenu d'obéir à ces lois et forcé d'imiter les particularités de cette langue (3) ».

Le plus ancien des Quarante Hadiths turcs est l'œuvre de Maḥmūd b. 'Alī : *Nahc al-Farādīṯ*, écrit en 759/1358. Ce texte a été étudié non pas comme un *Arba'ūn*, mais comme un document philologique. Ces œuvres qui commencent à voir le jour

(1) *Arba'īn* commencé par Birgivî et terminé par Akkermanî, a été imprimé en Tunisie, à Istanbul et en Égypte (1295, 1316, 1321). Le manuscrit autographe de Akkermanî se trouve à la bibl. de Ragıp paşa, n° 269. Le Commentaire d'*Arba'ūn* d'Ibni Kemal a été imprimé à Istanbul, en 1316..

(2) Sayyid Sadr, *Tuḥfat al-Khaḳānī*, Palais de Topkapı-Revan, Köşkü, n° 325 ; Idrıs-i Bıdlısî, *Çihl Ḥadīṯ*, bibl. de Fatih n° 791 ; Firdevsî, manuscrit appartenant à notre bibliothèque privée ; Vali al-Din Özbeki, *Çihl Ḥadīṯ*, Palais de Topkapı, bibliothèque de la trésorerie d'Emanet, n° 677 (manuscrit du commentateur).

(3) Les poésies arabes de Fuzulî, Bulletin de la Société des orientalistes de l'Académie des Sciences, Leningrad, vol. V, p. 43.

au XIV^e siècle, sont devenues, aux XV^e-XVIII^e siècles, assez importantes pour former une catégorie à part de littérature religieuse. Des poètes célèbres comme Alişir Nevâî (1441-1501), Fuzulî (mort en 1556), Nev'î (1533-1598), Nâbî (mort en 1712) ont écrit chacun au moins un Quarante Hadiths (1). L'influence de Djāmī a joué un grand rôle dans l'intérêt porté par les Turcs aux *Arba'ūn*.

Citons aussi l'*Arba'ūn* de Nawawī, qui a eu beaucoup d'influence à partir du XVIII^e siècle sur les poètes turcs. Nous possédons six traductions en vers de l'*Arba'ūn* de Djāmī et quatre de Nawawī. Il existe en outre un grand nombre de *Arba'ūn* arabes et persans traduits en turc. On peut l'expliquer ainsi : il y avait d'une part les auteurs qui travaillaient en toute liberté, choisissant des hadiths et les traduisant ; et d'autre part, certains auteurs qui se contentaient de traduire textuellement les Quarante hadiths choisis par des érudits musulmans. Mais tous avaient le même but religieux et moral que nous avons exposé au début de cet article.

La plupart des traducteurs de Quarante Hadiths turcs sont des poètes ; certains, appartenant à des sectes, sont considérés comme des « 'ulemā' ».

Les sujets traités sont d'une grande richesse. Ceux qui traitent un seul sujet préfèrent la guerre et la guerre sainte. Ils sont légion. D'autres s'intéressent à l'état des derviches, aux enfants, à la vie politique. Citons, comme exemple typique, l'œuvre de Ankaralı Ismail Rusûhî, qui, pour défendre la secte des Mevlevî dont il fait partie, se comporte en véritable polémiste. Mais, d'ordinaire, les Quarante Hadiths turcs traitent de plusieurs sujets à la fois. On remarque parfois dans ces œuvres les penchants politiques, sociaux et moraux de leur époque. Certains sont lus surtout dans les médressés, dans les tekkés, dans les demeures des grandes familles. D'autres sont rédigés

(1) Les Quarante Hadith de Newaî a été imprimé à Taşkend (1893) et dans la *Revue Millî Tetebbular* (vol. II, n° 4). Les Quarante Hadiths de Fuzulî ont été publiés d'abord par moi (*Revue Selamet*, 1948, n° 57, 59, 61 et 64) puis par Kemal Edip (Istanbul, 1951). Le risale de Nev'î n'a qu'un seul manuscrit (Üsküdar, Bibl. Kemankeş, n° 50, 2. risale) ; un manuscrit de Nabî se trouve dans notre bibliothèque personnelle et a été publié dans la revue *Millî Tetebbular* (Vol. II, n° 4).

uniquement pour s'attirer la clémence, les bienfaits d'un prince ou d'une personne influente. Parfois des sultans ottomans ont commandé, par un *ferman*, des Quarante Hadiths aux ulémas. Citons parmi les sultans amateurs d'*Arba'ūn*, Ahmet I, Ahmet III et Mahmud II.

Nos recherches récentes nous ont conduit à fixer à « 80 » le nombre de traducteurs de Quarante Hadiths, et à « 86 » le nombre d'*Arba'īn* rédigés en turc. L'âge d'or du genre se situe au XVI^e siècle, qui a vu la naissance de dix-sept *Arba'īn*. Cependant, il est fort possible que nous arrivions, quelque jour, à découvrir d'autres œuvres inconnues sur les étagères poussiéreuses des bibliothèques.

* * *

J'ai pensé qu'il serait souhaitable de donner, en complément, la traduction d'un des « Quarante Hadiths ». Les hadiths ci-dessous reproduits ont été choisis et traduits en vers d'abord par 'Abd al-Raḥmān Djāmī, le dernier des classiques iraniens. Il en existe six versions rimées en turc, dont une anonyme, rédigées, dans l'ordre chronologique, par Ali Şir Nevâî, Fuzulî, Rihletî, Nâbî, Münif... Nous avons été guidés dans notre choix par le fait que quelques-uns de ces hadiths se retrouvent aussi dans d'autres recueils (par exemple, dans ceux de Lâtifî, Hakanî, Köstendilli Şeyhî, etc.). D'autre part, d'après l'attestation de Nevâî, ami intime de Djāmī, à qui nous devons la première traduction turque de ce recueil, l'authenticité de ces hadiths, rapportés par Bukhārī et Müslim, ne peut être mise en doute (1). De plus, — et les traducteurs insistent sur ce point dans leurs introductions —, la concision de la pensée et de la forme leur assure une grande puissance de persuasion et de diffusion. On peut les considérer en général, au même titre que les hadiths choisis par Nawawī, comme des « guides au point de vue de la morale, de la vie pratique et de la religion ».

(1) Cf. Nevâî, Tercüme-i ḥadīṣ-i Arba'īn, Istanbul, 1311, introduction, p. 4.

Voici donc ces « Quarante hadiths » :

I. Nul n'est un pur croyant, s'il n'accorde de bon cœur à son coreligionnaire ce qu'il s'accorde complaisamment à lui-même.

II. Est musulman celui qui par ses paroles et par ses actes assure le salut des autres musulmans.

III. Deux vices, l'avarice et le mauvais caractère, ne peuvent exister chez un croyant.

IV, A mesure que dépérit l'homme, deux sentiments rajeunissent en lui : l'ambition et l'espoir lointain.

VI. Celui qui n'a pas remercié les hommes n'a pas loué Dieu.

VII. Dieu n'aura pas pitié de ceux qui n'ont pas pitié des hommes.

VIII. Le monde est maudit, et tout ce qui s'y trouve est maudit, sauf la parole de Dieu.

IX. Maudit soit celui qui se fait l'esclave de la monnaie d'or. Maudit soit celui qui se fait l'esclave de la monnaie d'argent.

X. Persiste dans la propreté, Dieu te comblera.

XI. Le croyant ne sera pas mordu deux fois par (une bête logée dans) le même trou.

XII. Qui donne sa parole, s'endette.

XIII. Ce qui se dit dans une réunion d'amis, est un prêt que tu ne dois pas trahir.

XIV. Si on te demande un avis, c'est qu'on te fait confiance.

XV. La générosité est un gain.

XVI. La dette est une honte pour la religion.

XVII. Se contenter de ce qu'on a, est un bien inépuisable.

XVIII. Qui fait la grasse matinée perd son pain.

XIX. Celui qui parle de ses bienfaits détruit sa générosité.

XX. Heureux l'homme qui n'est pas un objet de crainte.

XXI. Le péché de médisance suffit à perdre son homme.

XXII. Comme sermonnaire, la mort suffit.

XXIII. L'homme de bien est celui qui se rend utile aux autres hommes.

XXIV. Dieu aime l'homme doux au visage souriant.
XXV. Donnez-vous des présents et aimez-vous.
XXVI. Cherchez le bien parmi les hommes au visage souriant.
XXVII. Viens de temps à autre, tu n'en seras que plus aimé.
XXVIII. Heureux celui que ses défauts empêchent de remarquer les défauts d'autrui.
XXIX. Est riche celui qui ne convoite pas le bien d'autrui.
XXX. Celui qui sait ignorer ce qui ne le concerne pas est un bon musulman.
XXXI. Le véritable champion n'est pas celui qui gagne à la lutte, mais celui qui, dans un moment de colère, arrive à se dominer.
XXXII. La richesse dépend, non des biens que l'on possède, mais de la richesse du cœur.
XXXIII. Il faut prendre des précautions pour avoir confiance.
XXXIV. Un savoir qu'on ne partage pas n'est pas un savoir béni.
XXXV. Une bonne parole est une aumône.
XXXVI. Trop rire tue le cœur.
XXXVII. Le paradis est sous les pas des mères.
XXXVIII. Le malheur est attaché à la parole.
XXXIX. Un regard furtif est une flèche empoisonnée du diable.
XL. Un croyant ne se restaure pas quand son voisin a faim.

Abdülkadir KARAHAN
(Istanbul).

IL DIRITTO MUSULMANO COMPARATO CON IL BIZANTINO DAL PUNTO DI VISTA DELLA TIPOLOGIA DEL DIRITTO

Cercheremo di delineare — molto schematicamente e soprattutto in riferimento a ciò che noi diciamo diritto privato — una comparazione fra il diritto musulmano e il bizantino dal punto di vista di alcuni aspetti che possono interessare la tipologia del diritto. Più precisamente il confronto sarà istituito in ordine alla concezione monista o pluralistica del diritto, alla sua statualità o confessionalità, alla sua personalità o territorialità, alla sua imperatività o consensualità, alla sua rigidità o elasticità, ai rapporti fra diritto ed equità, alla dottrina quale fonte di produzione del diritto, al formalismo o antiformalismo giuridico, con particolare riguardo al tipo di costruzione (oggettiva o soggettiva) del negozio giuridico. La posizione assunta da un dato ordinamento giuridico (o da sue singole fasi storiche) rispetto ai suddetti punti ha, infatti, un riflesso nei caratteri generali del sistema stesso.

Si potrà cosi anche integrare l'altrettanto schematica comparazione fra diritto romano e musulmano altrove già delineata [1] in base al contenuto normativo di singoli istituti privatistici appartenenti ai due sistemi. Come infatti allora non fu considerato il solo genuino diritto romano, ma venne anche tenuto

(1) *Roman law and Muslim law (Comparative outline)* in *East and West* (Rivista dell'Istituto Italiano per il Medio ed Estremo Oriente, Roma) IV, 2, 1953.

conto del diritto bizantino *lato sensu* inteso (1), così ora non ci si riferirà solo a quest'ultimo, ma si terrà anche presente il genuino diritto romano.

* * *

I. Fra i numerosi concetti di giuridicità seguìti (soprattutto nell'evo antico e medio) da intere comunità sociali o elaborati (massime in epoca moderna) da singoli studiosi vi sono, come noto, concezioni moniste non sempre legate alla statualità del diritto e concezioni che invece, in base alla preferibile tesi della socialità del diritto, ammettono la pluralità di ordinamenti giuridici.

Nota è l'esistenza e la netta differenziazione nel genuino diritto romano di una pluralità di ordinamenti giuridici. Con la caratteristica distinzione fra *ius civile* e *ius honorarium* essa appare delineata entro l'ambito stesso dello *ius*, in quanto nettamente distinto dal *fas* e dal *mos*. A Costantinopoli invece si ha una duplicità di costruzione giuridica dipendente dal diverso influsso esercitato nel campo del diritto dall'elemento religioso, che è costitutivo del diritto canonico e solo influenzatore del diritto imperiale. Nel periodo centrale dell'evoluzione storica del diritto romano, conformemente alla caratteristica attitudine della mentalità romana a distinguere (2), non solo infatti fu nettamente separata la giuridicità dalla non giuridicità, ma furono anche rigorosamente differenziati i vari sistemi di norme entro l'ambito proprio della giuridicità (3); a Costantinopoli invece le due sfere, religiosa e giuridica, non vennero altrettanto nettamente distinte e, fra le due, ebbe prevalenza la prima, conformemente alla caratteristica della mentalità bizantina e, in genere, orientale.

(1) Cioè, per il diritto statuale, a partire dal momento (trasferimento della sede dell'impero da Roma a Bisanzio) in cui cominciò ad esercitarsi in esso il triplice influsso cristiano, ellenico e orientale che ne modificò la base romana.

(2) F. Schulz, *I principi del diritto romano* (trad. V. Arangio-Ruiz) 1946, p. 16 segg.

(3) Si ricordi, ad esempio, il concetto di *exceptio* nel processo formulare, l'istituto più caratteristico e tecnicamente raffinato del diritto romano (V. Arangio-Ruiz, *Ist. dir. romano*, 1952, p. 147).

Nel puro Islām invece la concezione del diritto è rigidamente monista. Sebbene il concetto musulmano di *fiqh* non corrisponda esattamente ad alcuno dei nostri (soprattutto oggi troppo numerosi) concetti occidentali di giuridicità, si suol esattamente dire che diritto è nel puro Islām solo in *fiqh*, cioè quella parte della *sharī'ah* che regola l'attività solo esterna (non anche perciò il foro interno) del credente verso Dio, verso sè stesso e verso gli altri. Altre sfere che a noi sembrerebbero giuridiche (anzi, per i seguaci della statualità del diritto, le sole veramente tali) non lo sono secondo il puro concetto musulmano, essendo fuori (anche se non in contraddizione) del *fiqh*. Tale, ad esempio, la *siyāsah shar'iyyah* (cioè il reggimento della cosa pubblica in modo non contraddicente alla *sharī'ah*) rimessa al prudente arbitrio del sovrano (1).

Entro il diritto musulmano (sia ortodosso che scismatico) v'è stata invece una pluralità d'indirizzi dottrinali *(madhāhib)* che ha assunto peculiari e interessanti caratteristiche (2), come avanti si avrà occasione di ricordare. Contro di essa solo in epoca moderna e precisamente con la tendenza dogmatica nota con il nome di *salafiyyah* (3) è sorta una reazione che ha avuto accoglimento anche in sede legislativa. Cosi, ad esempio, secondo il nuovo codice civile egiziano (4) terza delle cinque fonti del diritto statuale egiziano è il diritto musulmano senza specificazione di scuola *(madhhab)*. Analogamente dispongono due dei tre codici civili già derivati dall'egiziano, cioè il siriano (5) e il libico (6), nei quali però il diritto musulmano è indicato come seconda delle cinque fonti dei rispettivi diritti statuali, mentre l'altro codice civile anch'esso modellato sull'egiziano, cioè l'iracheno (7), aggiunge espressamente che terza delle quattro

(1) La letteratura musulmana dedicata alla *siyāsah shar'iyyah* è infatti nettamente distinta da quella relativa al *fiqh*.

(2) Per il valore sociologico delle divergenze d'opinione *(ikhtilāf)* fra le tre più antiche scuole giuridiche musulmane sunnite, v. ora R. Brunschvig, *Considérations sociologiques sur le droit musulman ancien*, nel III° fascicolo (1955, p. 61 segg.) di questa Rivista.

(3) Su di essa, v. F. M. Pareja, *Islamologia* 1951, p. 476.

(4) Promulgato con la legge 131 del 1948 e in vigore dal 15 ottobre 1949.

(5) Pubblicato il 18 luglio 1949.

(6) In vigore dal marzo 1954.

(7) In vigore dall' 8 settembre 1953.

fonti del diritto iracheno è il diritto musulmano « senza alcun vincolo di scuola determinata » (1).

II. La fenomenologia del diritto mostra l'esistenza di diritti sia statuali sia non statuali. Il diritto statuale è infatti solo una specie del genere diritto.

Mentre non può essere qualificato statuale il genuino diritto romano che diciamo privato, in quanto a Roma scarsissima fu in tale campo la creazione del diritto mediante intervento statuale (2), nell'impero bizantino invece è nettamente affermata, anche nel campo del diritto privato, la statualità del diritto : alla romana *auctoritas constituentium* si sostituisce la bizantina αὐθεντία τοῦ νομοθετοῦντος. Fonte assolutamente prevalente di produzione del diritto è il βασιλεύς (3), che è in terra (Nov. Iust. 15. 2. 3) la legge vivente (νόμος ἔμψυχος). Dalla sua cura (πρόνοια) e amministrazione (διοίκησις) tutto dipende (Nov. 46 e 47 di Leone 6° il Savio) ; tutto ciò che gli piace ha forza di legge (ὅπερ ἀρέσῃ τῷ βασιλεῖ νόμος ἐστί ; Hex. 1, 1, 28) (4). Nel conflitto fra legge (νόμος) e giustizia (δίκαιον) solo a lui spetta decidere (Hex. 1, 1, 27). Il βασιλεύς. il cui potere è d'origine divina, è inoltre anche chiamato (solo però metaforicamente) ἱερεύς (5) e le sue leggi (αὐτοκρατορικοὶ νόμοι) possono anche essere fonti del diritto canonico (6).

Tutto ciò è assolutamente ignoto al puro Islām ortodosso. Secondo la costruzione dottrinale sunnita (divergente dalle varie concezioni scismatiche relative all'Imām) il Califfo non

(1) Così, del pari, in recenti leggi egiziane si trovano frequenti casi di *talfīq*, cioè di eclettismo nella scelta fra varie opinioni già enunciate su determinati punti di diritto non solo da famosi giuristi delle quattro scuole giuridiche ortodosse, ma talora anche da appartenenti alla generazione degli *aṣḥāb* o dei *ṭābi'ūn* o da giuristi dell'epoca preletteraria o, perfino, da sequaci di scuole più o meno lontane dall'ortodossia (Zaiditi ; Gia'farî).

(2) F. Schulz, *op. cit.*, pp. 5-6, 11.

(3) H. Monnier, *Les novelles de Léon le Sage*, 1923, p. 8 ; L. Bréhier, *Les institutions de l'empire byzantin*, 1949, p. 219 et 430.

(4) In D. 1, 4, 1, pr. il principio *quod principi placuit legis habet vigorem*, appare ancora riferito alla *lex de imperio*.

(5) L. Bréhier, Ἱερεὺς καὶ βασιλεύς in *Mélanges Petit*, Bucarest, 1948, pp. 41-45.

(6) A. P. Christophilopoulos, Ἑλληνικὸν ἐκκλησιαστικὸν δίκαιον, Atene I, 1952, 47.

ha infatti alcuna ingerenza nell'ambito del *fiqh* (1), essendo rimesso al suo prudente arbitrio solo la sfera della *siyāsah shar'iyyah* (2). Il diritto musulmano, in quanto intimamente legato alla religione, è invece un diritto confessionale, che non può però essere qualificato canonico. Ciò sarebbe non solo equivoco per noi, in quanto saremmo spinti a contrapporlo a un diritto statuale che nell'Islām non esiste, ma anche erroneo dal punto di vista musulmano, in quanto il vocabolo *qānūn*, arabizzazione del greco κανών, ha nell'Islām classico un significato profondamente diverso da quello cristiano (3). La negazione sunnita di qualsiasi ingerenza del potere politico sovrano (quale quello del Califfato) nel campo giuridico portò però, massime al tempo del califfato abbaside, ad attriti fra l'autorità politica sovrana e i dotti dedicati allo studio della religione e del diritto (4), contrasti che finirono con la prevalenza della prima sui secondi; il che non fu senza dannose consequenze per lo stesso Islām. Inoltre, essendo una delle funzioni del Califfo, secondo la stessa costruzione dottrinale ortodossa dell'istituto (5), quella di amministrare la giustizia, egli ebbe modo di usare legittimamente mezzi indiretti di natura processuale per influire (come spesso accade nella storia del diritto) anche nel campo del diritto sostanziale. Ciò avvenne, ad esempio, sia con la creazione di una giurisidizione del sovrano accanto a quella sciaraitica, sia con la limitazione della competenza dei *qāḍī* (6), sia con il negare a questi ultimi i mezzi d'esecuzione delle loro sentenze.

(1) E nemmeno nel campo della dogmatica. Sull'intervento di alcuni imperatori bizantini in materia di dogma, v. Monnier, *op. cit.* 26.

(2) Diversa, come noto, è la concezione che dell'*Imam* hanno le varie sette scismatiche (da ultimo, l'accenno in J. Schacht, *Esquisse d'une histoire du droit musulman*, 1953, 62).

(3) V. il Πηδάλιον del canonista Agapios Leonardos (m. 1815) e del monaco Nicodemos (m. 1809), p. 12 (éd. Atene 1908); N. Milash, *Das Kirkenrecht der morgenländischen Kirche*, Mostar, 1905, p. 8; Christophilopoulos, *op. cit.* I, 39.

(4) M. Amari, *Storia dei Musulmani di Sicilia*², I, 1933, p. 273.

(5) Qual'è quella esposta dallo shāfi'ita al-Māwardī (m. 450/1058) nel suo famoso *Kitāb al-aḥkām as-sulṭāniyyah*.

(6) Anche oggi è talora usata nella legislazione di Stati musulmani per introdurre innovazioni nel diritto musulmano senza bisogno di modificarlo direttamente (v. *Oriente Moderno*, 1953, p. 320).

Poichè la statualità del diritto può portare a una prevalenza, nella costruzione giuridica, del potere politico sovrano (1), mentre la confessionalità del diritto può portare a una prevalenza dell'elemento etico e religioso (o, meglio, dell'elemento soggettivo nei confronti dell'intersogettivo, caratteristico della giuridicità), in ambedue i casi può esservi uno squilibrio (di diversa natura) nella fusione di vari elementi costituenti il substrato del fenomeno giuridico. Ciò si osserva (con diversità d'aspetti a causa della diversa natura dei due sistemi giuridici) sia nel diritto bizantino imperiale (in quanto creato da uno Stato di tipo dispotico), sia nel diritto canonico bizantino e nel musulmano (in quanto ambedue diritti confessionali) (2). Ciò non si nota invece nel genuino diritto romano perchè non statuale nè confessionale, bensi prevalentemente costruito da una dottrina libera, non patentata.

III. Ben nota è la contrapposizione esistente fra personalità (necessaria o volontaria) e territorialità del diritto.

Da un generale punto di vista dogmatico, essendo il diritto un prodotto della coscienza, sembra più conforme alla natura stessa del fenomeno giuridico la personalità del diritto. a meno che il territorio non sia (come nel caso dello Stato) elemento costitutivo dell'organizzazione sociale produttrice della giuridicità (diritto statuale), poichè in tal caso (quando non vi sia pluralità di coscienze sociali) appare più idonea la territorialità del diritto. L'uno e l'altro principio hanno d'altronde vantaggi e difetti : la personalità del diritto (massime se volontaria) consente una maggior collimanza fra sistema giuridico e il suo elemento generatore, cioè la coscienza, ma dando luogo a difformità, può creare incertezza (3) ; con la territorialità si ha maggiore

(1) E' una delle cause dell'attuale crisi del diritto lamentata da giuristi francesi (Ripert) e italiani (v. il volume collettivo « *La crisi del diritto,* Padova, 1953).

(2) Per alcune analogie fra i due diritti, v. F. Roberti, *The role of canon law in comparative law,* in *The Jurist,* Washington, 1951, XI, 4, 14.

(3) Già osservata dall'arcivescovo di Lione Agobardo che verso l'817 cosi scriveva all'imperatore Ludovico il Pio : *Nam plerumque contigit ut simul eant aut sedeant quinque homines et nullus eorum communem legem cum altero habeat exterius in rebus transitoriis, cum interius in rebus perhennibus una Christi lege teneantur* (in Mom. Germ. Hist. *Epistul.* V, 159).

uniformità, ma possono crearsi dannosi sfasamenti fra sistema giuridico e coscienza (1).

Caratterizzare in proposito il diritto romano dà luogo a difficoltà anche per i varî modi d'intendere il concetto di personalità del diritto. All'opinione dominante secondo la quale fino alla costituzione di Antonino Caracalla del 212 v'è stata personalità e in seguito territorialità del diritto, si è opposto sia chi, negata la possibilità di una siffatta contrapposizione a Roma, ha sostenuto esservi stata in essa sempre personalità del diritto (2), sia chi lo ha invece negato in base a un concetto di personalità del diritto che avrebbe avuto applicazione solo nell'alto medio evo occidentale (3).

In quanto statuale, il diritto imperiale bizantino doveva avere un carattere territoriale. Ma non tutte le compilazioni ufficiali bizantine furono applicate in tutto il territorio dell'impero. Permangono tuttora oscurità, ad esempio, circa l'effettiva applicazione pratica dei Basilici in rapporto, oltre che con le altri fonti giuridiche bizantine, con i territori nei quali sarebbero stati in vigore.

Nel diritto canonico orientale la tradizione è stata sempre favorevole alla personalità del diritto, in piena conformità con il suo carattere confessionale. Nel diritto canonico occidentale invece, a partire da Bonifacio VIII (4), la tradizione è, per la legge particolare, a favore della territorialità. Tale tradizione, che anche per influsso di uno studio pubblicato nel 1912 dall'allora Monsignor Eugenio Pacelli (5), era stata abbandonata nel progetto (1914) del *Codex Iuris Canonici* (6), venne successivamente di nuovo accolta nel testo definitivo (1917) del codice (7) per non rompere troppo repentinamente con il passato (8).

(1) Su di essi, v. *Annuario di diritto comparato e di studi legislativi*, XIII, 3 (1937), p. 185.

(2) P. Bonfante, *Storia del diritto romano*², 1909, 252 nota 3.

(3) F. Calasso, *Medioevo del diritto*, I, 1954 (Fonti), p. 110.

(4) Decretale *Ut animarum* in VI, 1, 2.

(5) Nel 1945 lo studio è stato ristampato in francese *(La personnalité et la territorialité des lois, particulièrement dans le droit canon)*.

(6) Can. 8 § 2 : *Lex non praesumitur territorialis sed personalis, nisi aliud constet.*

(7) Can. 8 § 2 : *Lex non praesumitur personalis sed territorialis, nisi aliud constet.*

(8) Introduzione dello Staffa alla ristampa del citato scritto di Mons. Pacelli.

Nel diritto musulmano impera, con alcuni caratteristici aspetti, la personalità del diritto (1). Nell'Islām v'è infatti, anzitutto, una personalità necessaria del diritto, data dall'appartenenza alla religione islamica. Ve n'è poi un'altra, data dall'appartenenza a una delle scuole giuridiche ortodosse o scismatiche. In fine v'è una personalità volontaria del diritto, limitata però all'ambito dell'ortodossia, nel senso che per regolare un dato negozio giuridico i seguaci di una delle quattro scuole sunnite tuttora esistenti possono, ove lo ritengano opportuno, seguire il regime dettato da un'altra scuola sunnita o anche da un singolo giurista di un'altra scuola sunnita (2). Ciò potrebbe ricordare il sistema italiano medievale delle *professiones iuris*, ma mentre in queste la libera scelta (consentita dall'888 al 1100) poteva esser fatta fra diritti diversi, nell'Islām la scelta può essere solo fatta fra determinate scuole giuridiche sunnite o fra dottrine di singoli *fuqahā'* appartenenti ad esse.

IV. Il diritto può sorgere per imposizione — come, ad esempio, ritengono che debba necessariamente avvenire i seguaci della tesi della statualità del diritto e in particolare della cosiddetta teoria imperativista del diritto — o per consenso, come sono più propensi a ritenere i seguaci della socialità del diritto (3).

Poichè la norma legislativa (*lato sensu* intesa), presenta in generale un carattere d'imposizione che manca sia alla norma consuetudinaria sia a quella creata dalla dottrina giuridica soprattutto se non patentata, a seconda della prevalenza dell'una o dell'altra fonte di produzione del diritto può esservi in un dato

(1) L'idea di territorialità del diritto è invece al fondo della moderna dottrina hanafita del « divario dei due territori » *(ikhtilāf ad-dārain)*, sulla quale v. C. A. Nallino ora in *Scritti* IV, 63.

(2) Frequenti esempi si sono avuti in materia di *waqf ahlī*, in quanto costituiti secondo la dottrina del ḥanafita Abū Yūsuf (m. 182/798). Sulle moderne riforme legislative di Stati musulmani in materia di *waqf ahlī* v. soprattutto J. N. D. Anderson, in *The Muslim World*, 1952, pp. 257-276.

(3) Come, ad esempio, il Gierke con il suo concetto d'*Ueberzeugung (Das Recht wurzelt in der Gemeinüberzeugung und dem sie begleitende Gemeinwillen)* e il Bierling, con il suo concetto d'*Anerkennung* (la cui differenziazione dal concetto di contratto non ha convinto i critici che hanno qualificato la teoria del Bierling come neocontrattualismo).

ordinamento giuridico (o in una sua fase storica) un prevalente aspetto d'imperatività o di consensualità del diritto.

A Roma, anche a prescindere dall'incerto significato originario di *ius* (1), il concetto di *lex rogata* e di consuetudine come *tacitus consensus populi* e, soprattutto, la spontanea osservanza di norme giuridiche poste dalla libera dottrina, danno concrete configurazioni storiche alla consensualità del diritto.

Nell'impero bizantino invece, data la statualità del diritto e la prevalenza della legge (concepita come volontà dispotica del βασιλεύς) (2) come fonte di produzione del diritto, ha nettamente prevalso la concezione imperativista del diritto.

Nell'Islām il carattere d'imperatività del diritto è essenzialmente dato (3) dal concetto stesso *di fiqh*, in quanto parte della *sharīʿah* (4). Carattere imperativo hanno quindi le norme (non molto numerose) di natura giuridica contenute nel Corano, la prima delle « radici del diritto musulmano » *(uṣūl al-fiqh)*.

Ma vi sono anche altre fonti del diritto musulmano nelle quali si può vedere un carattere di consensualità del diritto che talora assume peculiari aspetti. Va in proposito ricordata non solo la consuetudine *(ʿurf)* (5), ma — soprattutto — l'*igmāʿ* sunnita, intesa come accordo *(iltifāq)* sia di tutta la comunità musulmana *(igmāʿ al-ummah)* (6), sia dei soli giuristi. Nella costruzione classica sunnita degli *uṣūl al-fiqh* l'*igmāʿ* occupa il terzo posto ; ma in realtà, dal punto di vista sia storico che razionale, la sua importanza è assai maggiore di quella

(1) Dalla medesima radice di *iubeo* che ha il genuino significato di consentire (Bonfante, *St. dir. rom*², 101). Sul passaggio dal concetto romano *di ius* a quello cristiano di *directum:* W. Cesarini Sforza, *Ius e directum*, 1930.

(2) Non sembra convincente il concetto « didattico » della legge bizantina sostenuto dallo Spulber (*Le concept byzantin de la loi juridique*, in *Études de droit byzantin* V, 1938).

(3) A prescindere, evidentemente, dalla volontarietà di accettazione di quell'abbandono alla volontà di Dio che è detto Islām. Tale volontà non è concepita da Maometto come immutabile ; è infatti ammessa un'abrogazione *(nasakah)* da parte di Allāh di precedenti sue rivelazioni (Cor. S. 11, 100).

(4) Intesa come « via » imposta dalla divinità all'osservanza del credente.

(5) Sulla sua importanza v. ora L. Milliot, *Introduction à l'étude du droit musulman*, 1953, p. 156.

(6) In questo senso qualche giurista musulmano l'ha avvicinata alla consuetudine.

che risulterebbe da tale sua posizione nella scala gerarchica delle fonti del diritto musulmano.

Storicamente il principio della consensualità appare così profondamente radicato fin dagli inizi dell'Islām (1) che tentativi successivamente fatti per limitarne la portata non ebbero successo (2). Razionalmente non si può negare la posizione di preminenza dell'*igmā'*, e quindi del principio di consensualità, anche rispetto agli altri due *uṣūl al-fiqh* che nella costruzione classica sunnita la precedono (cioè il Corano e la *Sunnah*), in quanto la loro autenticità e la loro esatta interpretazione trovano la loro giustificazione nell'Islām appunto nell'accordo *(igmā')* al loro riguardo (3).

Altro caratteristico aspetto della consensualità può vedersi nella già ricordata possibilità di libera scelta (sia pure solo entro l'ambito dell'ortodossia) di una diversa scuola o della dottrina di un singolo giurista da parte dei seguaci di una delle scuole sunnite.

V. Nella giuridicità si è scorto un carattere talora d'immutabilità, talaltra di mutabilità ovvero anche una coesistenza — variamente configurata — dell'uno e dell'altro carattere (4). E in base a un diverso grado di fissità o mutabilità del sistema sono caratterizzabili i singoli diritti positivi.

Allorchè la fissità è eccessiva vi possono essere dannosi fenomeni di sfasamento fra diritto « legale » (o ufficiale, *Reichsrecht*) da un lato e coscienza e realtà sociale dall'altro. Se invece è eccessiva la mutabilità, può derivarne una non meno dannosa discontinuità del sistema (5), causa di un'incertezza del diritto che raggiunge il suo massimo grado allorchè si giunga ad ammettere l'inaccettabile principio della retroattività della legge.

(1) V. ora Schacht, *The origins of Muhammedan Jurisprudence*, 1950, soprattutto p. 224 (circa la posizione dell'elemento coranico nel primitivo diritto musulmano), 138 (sull'origine e lo sviluppo degli *aḥādīth* giuridici), 41, 82 (sullo svolgimento storico del concetto d'*igmā'*).

(2) Sul non riuscito tentativo di Shāfi'I (m. 204/820) v. Schacht, *op. cit.* 8895.

(3) C. A. Nallino, ora in *Scritti* IV, 39-40.

(4) V., da ultimo, G. del Vecchio, *Mutabilità ed eternità del diritto*, in *Ius*, V, 1954.

(5) G. Ripert, *Le déclin du droit*, 1949, p. 125.

Ad evitare tali dannosi eccessi, utilizzando al tempo stesso i vantaggi dati sia da una certa stabilità del diritto, sia dal suo necessario adeguamento alle mutazioni della realtà sociale, giovò a Roma la coesistenza di un sistema rigido, tradizionalista (quale il *ius civile*) con uno (il *ius honorarium*, introdotto *adiuvandi vel supplendi vel corrigendi iuris civilis gratia propter utilitatem publicam;* D. 1, 1, 7) elastico e innovatore (1).

A Costantinopoli, ove si distingue la preminante legge divina (ἱερὸς διάταγμα) dalla subordinata legge civile (πολιτικὸν διάταγμα), l'idea d'immutabilità del diritto è soprattutto collegata a quella parte del diritto che tanto nella concezione canonica quanto nella statuale è considerata d'origine divina. Mentre infatti i *naturalia iura* (2) *divina quadam providentia constituta, semper firma atque immutabilia permanent* (3), le leggi civili *saepe mutari solent* (Inst. Iust. 1, 2 ; 11) (4). Talora però il legislatore bizantino pretenderebbe di cristallizzare anche la legge civile, illudendosi — al pari di altri legislatori antichi e moderni (5) — di riuscirvi.

Anche nella concezione canonica occidentale è considerata immutabile, in quanto d'origine divina, solo una parte del diritto (suddistinta in diritto divino naturale e diritto divino positivo), mentre il *ius humanae constitutionis* (emanato dalla

(1) « Il Romano può tranquillamente procedere così, come sempre ha fatto, innovando costruttivamente senza distruggere » (C. A. Maschi in *Atti Congresso Inter. dir. romano Verona* 1948, I, 36).

(2) Già pero Cicerone (De Rep. III, 22) così si esprimeva : *Est quidem vera lex recta ratio, naturae congruens, diffusa in omnes, constans, sempiterna... Nec erit alia lex Romae, alia Athenis, alia nunc, alia posthac, sed et omnes gentes et omni tempore una lex et sempiterna et immutabilis continebit, unusque erit communis quasi magister et imperator omnium deus.*

(3) In D. 1, 1, 11 di Paolo (ove *ius naturale* è definito *quod semper aequum ac bonum est*) l'interpolazione di *semper* è dimostrata dal confronto testuale con il c. d. *Fragmentum Dositheanum* (in *Fontes Juris Romani antejustiniani*, II, 1940 ed. Baviera, p. 618) ; v. E. Albertario ora in *Studi di dir. romano*, V, 1937, p. 278.

(4) Cosi anche il Proemio del Prochiro e le novelle 47, 95 e 98 di Leone 6° il Savio.

(5) Tali, ad esempio, Hammurabi (*Dīnāt mīsharim;* trad. G. Furlani, *Leggi dell'Asia anteriore antica*, 1929, p. 52), Giustiniano (*Const. Tanta* § 23 :... *leges nostras ... in omne aevum valituras*), Leone 6° il Savio (nov. 118), Napoleone (che avrebbe esclamato *Mon code est perdu*, appena saputo del primo commentario al suo codice) ; Dekkers, *Le droit privé des peuples*, 1953, p. 274.

Chiesa nella sfera di propria competenza o dai varî Stati) non ha carattere d'immutabilità.

Secondo invece la pura concezione islamica, essendo tutto il *fiqh* considerato d'origine rivelata, tutto il diritto dovrebbe essere immutabile. Ma poichè tale fissità è in contrasto con la natura stessa del fenomeno giuridico, si operarono necessariamente anche entro il diritto musulmano dei mutamenti, non ostante tale concezione teorica del *fiqh*. Il che avvenne non solo per opera della consuetudine, ma soprattutto grazie all'opera d'interpretazione (che noi, a differenza dai musulmani, dobbiamo spesso qualificare creativa o almeno concreativa di diritto) compiuta dalla libera dottrina giuridica musulmana nel periodo del suo sviluppo. Anche mediante i *qawānīn* emanati dai sovrani musulmani, soprattutto ottomani, furono apportate — anche se indirettamente — innovazioni nell'ambito che per noi (ma non per i musulmani data la loro distinzione fra *fiqh* e *siyāsah shar'iyyah*) è giuridico.

VI. Se — come nel genuino diritto romano — si concepisce l'equità (secondo il suo significato etimologico) come eguaglianza, trattamento pari in causa pari, essa è scopo intrinseco e finale della stessa norma giuridica e non può quindi mai essere in contrasto con quest'ultima. Nemmeno sorgono difficoltà concettuali se, pur intendendo per equità alcunchè di diverso e magari di contrapposto al diritto, la si ammetta solo quando lo stesso ordinamento giuridico ne faccia espresso e particolare riferimento, poichè in tal caso essa, divenendo elemento dello stesso diritto positivo, non è mai in contrasto con quest'ultimo. Altrimenti (1), a meno di non voler ricorrere al cosiddetto diritto libero (2), sorge un inevitabile conflitto fra equità e diritto positivo.

(1) Ad esempio, se per equità s'intende il diritto naturale o il razionale o la morale o lo spirito della legge o l'adattamento della norma o la benevolenza, l'indulgenza, l'umanità in contrapposto allo stretto diritto.

(2) Sul *freies Recht*, v. F. Olgiati, *Il concetto di giuridicità nella moderna scienza del diritto*², 1950, p. 283. Altro modo di far cessare il conflitto è stato quello di identificare tutto il diritto con l'equità (G. Maggiore, *L'equità e il suo valore nel diritto* in *Riv. Intern. Fil. del diritto*, 1923, p. 256; E. Osilia, *L'equità nel diritto privato*, 1923).

Nel diritto *lato sensu* bizantino esiste un siffatto contrasto essendo l'equità (ἐπιείκεια, φιλανθρωπία) intesa come *humanitas* (1), *benignitas*, *benevolentia*, *pietas*, *caritas* e, come tale, contrapposta all'*acerbitas*, *asperitas*, *duritia iuris* (2). Talora però il contrasto non è dogmatico, bensì storico. Ad esempio, per i compilatori giustinianei spesso la soluzione genuina classica è conforme allo *strictum ius*, al *ius subtile*, mentre la nuova norma interpolata appare ad essi più larga e umana. Ne deriva una contraddizione logica fra le stesse parti di uno stesso testo (o fra le parti di un medesimo periodo o con un altro testo del medesimo autore) che è uno dei noti criteri per la ricerca delle interpolazioni, ma non si creano difficoltà dogmatiche, in quanto la nuova norma (basata sull'*aequitas* nel suo nuovo senso) ha carattere legislativo. E come ai compilatori giustinianei apparve talora *strictum ius* il diritto classico, così a posteriori legislatori bizantini sembrò tale il diritto giustinianeo. Nel titolo stesso dell'Ecloga Isaurica si legge « scelta di leggi (ἐκλογὴ τῶν νόμων) fatta in riassunto (ἐν συντόμῳ γενομένη) da Leone e Costantino nostri saggi e pii imperatori, tratta dalle Istituzioni, dai Digesti, dal Codice e dalle novelle costituzioni del grande Giustiniano, emendata in un senso più umano (ἐπιδιόρθωσις εἰς τὸ φιλανθρωπότερον) ». Del pari la φιλανθρωπία fu frequente motivo delle novelle di Leone 6° il Savio. Ma anche in questo caso, essendo divenuta diritto positivo, l'equità non è in contrasto con esso.

Anche nell'Islām l'equità, intesa come benevolenza e mitezza, si oppone allo stretto diritto. Come infatti i bizantini (D. 13. 7, 25 itp.) condannano il *delicatus debitor*, l'*onerosus creditor* e, in genere, ogni *immoderatio* (Nov. Iust. 23, 20, pr.) favorendo la ricerca di una *moderatio* nel conflitto d'interessi, così secondo un *ḥadīth* (3). Dio farà misericordia a chi si mostra generoso

(1) Nel senso di φιλανθρωπία, più ristretto del genuino concetto romano di *humanitas* (sul quale v. Schulz, *op. cit.* 164 e S. Riccobono, jr. *Humanitas* in *Atti Congresso intern. dir. romano*, Verona, 1948, II, 207).

(2) E. Albertario in *Bull. Ist. dir. rom.* vol. 33 (1923), 63e in *Studi* I, 58 e 356. Vedi pero, di recente, A. Berger (in *Atti Congresso dir. rom. Verona* 1948, II, 187) e A. Carcaterra (*ibidem*, 37).

(3) Riportato da al-Bukhārī, *Kitāb al-buiū'* (trad. Houdas et Martel, *Les traditions islamiques*, vol. II, tit. 34, cap. 16, n. 1, p. 11).

quando vende, quando acquista e quando reclama il pagamento di un debito. Così anche tanto nelle fonti bizantine quanto nelle musulmane si favorisce la ricerca di una giusta via di mezzo nella composizione dei conflitti d'interessi. Nei due diritti hanno infatti parallelamente influito analoghi concetti di umanità e di carità, talora espressamente richiamati nelle fonti bizantine e musulmane a proposito della medesima questione.

Discorde è pero la dottrina giuridica musulmana circa il rapporto fra ciò che è *mashrū'* (legale) e *l'istiḥsān* (equità). Se gli ḥanafiti fanno largo ricorso all'*istiḥsān* come metodo sussidiario d'argomentazione giuridica, gli shāfi'iti al contrario se ne astengono, considerandolo (non a torto) come un mezzo di creazione del diritto *(man istaḥsana faqad shara'a)* e quindi in contrasto con il concetto musulmano dell'origine rivelata del *fiqh*. Intermedia fra le due opposte è la posizione dei mālikiti.

VII. In tema di fonti di produzione del diritto non suole essere attribuita alla giurisprudenza dottrinale, soprattutto non patentata, quella considerazione ch'essa merita dal punto di vista storico e dogmatico (1).

Nel diritto romano classico la dottrina soprattutto libera *(interpretatio prudentium)*, in quanto non auto-integrazione benzi etero-integrazione del *ius civile*, va considerata in sostanza non solo come fonte di produzione del diritto (2), ma addirittura come fonte prevalente. In tal senso il diritto romano classico può essere esattamente qualificato come un diritto della giurisprudenza dottrinale *(Juristenrecht)*.

Non ostante i limiti posti da Giustiniano all'attività dottrinale (*Const. Tanta* § 21), essa in realtà non cessò continuando ad

(1) Sulla *Dottrina quale fonte del diritto* mi sono soffermato in *Studia et Doc. Hist. et Iuris*, 1945, p. 19. A favore di una sua utilizzazione nel campo del nostro moderno diritto civile si è di recente levata l'autorevole voce del Vassalli (in *Studi Cicu*, II, 1951, 481) contrastata però dal Tedeschi (in *Riv. It. Sc. Giur.* 1951, 186). Un grande valore è attribuito alla dottrina dal romanista spagnolo Alvaro d'Ors nella sua teoria del diritto ispirata, secondo la preferenza della più giovane generazione dei filosofi del diritto spagnolo, al realismo giuridico.

(2) E. Betti, in *Atti Congresso intern. Dir. Romano* (Verona, 1948) II, 101.

esplicarsi ampiamente. Ma sebbene spesso anche tale attività sotto l'aspetto interpretativo (ἑρμήνεια) abbia avuto carattere creativo di diritto, l'assoluta prevalenza della legge quale fonte del diritto statuale bizantino non consente di qualificare questo ultimo come un *Juristenrecht*.

Larga attività dottrinale (massime in certe materie, come la matrimoniale) si è avuta anche nel diritto canonico bizantino, che però non la considera fonte formale di produzione del diritto (1). Essendo inoltre spesso difficile distinguere l'attività pubblica da quella privata dei canonisti e dati i caratteri propri dell'organizzazione ecclesiastica, non sembra che nemmeno tale diritto possa qualificarsi un *Juristenrecht*, soprattutto se ci si vuol riferire alla dottrina libera.

Nel diritto canonico occidentale l'opinione comune e costante dei dotti è invece considerata fonte sussidiaria di produzione, ma solo del diritto umano positivo universale (per tutto l'orbe cattolico o almeno la chiesa Latina). L'importanza di questa fonte, sotto l'aspetto creativo o almeno concreativo del diritto, è però storicamente forse anche maggiore di quella che risulterebbe dalla posizione ad essa assegnata nella scala gerarchica delle fonti del diritto canonico.

Terza delle fonti del diritto musulmano secondo la teoria classica dell'Islām ortodosso è, come noto, l'*igmā'* che in uno dei suoi aspetti (accordo dei dottori di una data epoca su di un determinato punto rientrante nell'ambito della *sharī'ah*) è stato posto in raffronto con l'*opinio prudentium* romana. Ma anche qui l'importanza storica e logica di questa fonte del diritto è superiore a quella che appare dalla sua posizione nella scala gerarchica degli *uṣūl al-fiqh*. A prescindere infatti dal carattere rivelato attribuito al diritto musulmano, questo può essere qualificato, massime nel periodo dell'*igtihād*, come un *Juristenrecht*, in considerazione anche del carattere non patentato della dottrina giuridica musulmana (2) e della man-

(1) N. Milash, *op. cit.* 54 ; A. P. Christophilopoulos, *op. cit.* 49.

(2) Va ricordato che la prima istituzione di un diploma ufficiale di *'ālim* si ebbe solo con il regolamento del 1 luglio 1896 per l'Universtità teologica al-Azhar al Cairo.

canza nell'Islām sia di sacerdozio, sia di gerarchia ecclesiastica sia di alcunchè paragonabile ai concili cristiani. Un caratteristico aspetto ha poi assunto nell'ambito del diritto musulmano la molteplicità delle scuole giuridiche.

Quanto al carattere di tecnicismo o di empirismo della costruzione giuridica dottrinale, mentre la consequenziarietà logica (che non ha però mai sacrificato alla logica lo scopo del diritto), la precisione terminologica riflesso di chiarezza di posizioni concettuali, il saper isolare nella fattispecie gli elementi giuridicamente rilevanti dagli irrilevanti (1) costituiscono peculiari aspetti di quel perfetto tecnicismo della genuina costruzione giuridica dottrinale romana al quale sono dovuti la grande forza di resistenza e di espansione del diritto romano (2) e la costante utilità del suo studio (3) ,essi sono al contrario ignoti alla costruzione giuridica sia bizantina sia musulmana, aventi ambedue in generale un carattere di empirismo.

VIII. Anche senza seguire la *Begriffsjurisprudenz* (che pone nella forma la nota essenziale della giuridicità), non si può negare l'importanza che la forma (vincolata o no all'osservanza di solennità) riveste ai fini della certezza del diritto. Se infatti la mancata osservanza di forme tassativamente prescritte dall'ordinamento giuridico può talora produrre alcuni inconvenienti (ad esempio la nullità di atti per vizi di forma), la forma serve in generale — come di recente si è espresso il Betti — a dare il suggello della giuridicità all'attività umana e — per usare le parole di Vittorio Scialoja — la sua osservanza permette al diritto di raggiungere in generale il massimo statistico dei suoi scopi pur dovendosene necessariamente frustrare per esigenze pratiche una certa quantità. Che poi la forma debba

(1) S. di Marzo, *Le basi romanistiche del codice civile* [*italiano*] 1950, p. 5.

(2) Basti ricordare la sua recezione da parte della Chiesa e in Germania, gli influssi da esso esercitati nelle moderne codificazioni (massime nel campo delle obbligazioni).

(3) Tuttora riconosciuta anche in paesi socialisti, come la Russia sovietica, la Cecoslovacchia, la Polonia, la Jugoslavia (Hovart, *Lo studio del diritto romano nelle Università jugoslave*, in *Atti Congresso Intern. dir. romano*, Verona, 1948, II, 479; v. anche Bartoshek, *ibidem*, III, 189).

o no essere vincolata all'osservanza di solennità, dipende dal giudizio sull'importanza sociale degli atti da compiere. Da tale formalismo a garanzia della giuridicità (dal quale però la nostra moderna mentalità giuridica suole rifuggire) va distinto quel formalismo che è frode e paralisi del diritto in quanto, ad esempio si limita a richiedere l'osservanza della lettera della norma uccidendone lo spirito.

Intesa la forma nel primo senso, il genuino diritto romano è decisamente formalista : con tre sole forme solenni di negozio giuridico (*mancipatio, in iure cessio, stipulatio)* esso permetteva di raggiungere i più svariati scopi pratici della vita (1).

Antiformalisti invece, intendendo sempre il formalismo nello stesso primo senso, sono il diritto bizantino e il musulmano.

Per quanto riguarda quest'ultimo, sebbene infatti la forma *(ṣīghah)* sia dai giuristi musulmani considerata come elemento essenziale *(rukn)* di ogni contratto *('aqd)* — *rectius*, di ogni negorio giuridico — con tale vocabolo i *fuqahā'* intendono in realtà tanto la volontà effecttiva (*nīyah animus* = ψυχή), quanto la sua manifestazione esterna.

Sotto il primo punto di vista sia nel diritto musulmano che nel bizantino, prevale nella costruzione di ciò che diciamo negozio giuridico (2) un indirizzo soggettivistico anzichè quello oggettivistico (o, meglio, intersoggettivistico) del diritto romano classico. Sia infatti nel diritto bizantino con la considerazione della ψυχή che nel musulmano con la rilevanza della *nīyah* (intenzione, interno volere) ci si ispira al cosiddetto dogma della volontà, mentre il diritto romano classico dà rilevanza ai *verba;* come è anche preferibile in sede dogmatica, perchè permette di soddisfare meglio le fondamentali esigenze della vita di relazione (3).

Dal secondo punto di vista è noto che la forma dei negozi

(1) A. Ruiz, *Isl. dir. rom.*[11], 1952, 80. Sull'originalità dell'antichissimo diritto romano e la sua autonomia di fronte agli altri diritti mediterranei, v. E. Volterra, *Diritto romano e diritti orientali*, 1937, pp. 85-237.

(2) Nelle fonti giuridiche musulmane, come d'altronde nelle romane, vi sono solo elementi per la costruzione del negozio giuridico ; questa è opera della moderna scienza del diritto.

(3) E. Betti, *Teoria del negozio giuridico* (1952), pp. 51, 63, 163.

giuridici musulmani e bizantini è in genere libera. Se infatti spesso i giuristi musulmani nei loro libri di *fiqh* discutono intorno ai vocaboli e alle espressioni che vanno usate per costituire validamente un negozio, ciò non significa sempre che si tratti di negozi formali. Talora tali vocaboli ed espressioni sono indicati solo per evitare incertezze sull'esistenza del negozio, per cercare di evitare alle parti discordanze fra volontà effettiva e manifestazione e per distinguere subito il negozio da altri affini. Ciò ad esempio avviene nel caso della *musāqāh*, del *qirāḍ*, del *salam*, del *waqf* o *ḥubus*.

Quanto al deteriore aspetto, sopra accennato, del formalismo, già condannato in base al significato classico (diverso dal giustinianeo) del famoso aforisma ricordato da Cicerone *(summum ius summa iniuria)* (1), si può notare un certo parallelismo fra alcuni aspetti delle *cautelae* occidentali e le *ḥiyal* (sotterfugi o artifizi legali) ḥanafite (2).

* * *

Per concludere, volendo confrontare i caratteri del diritto musulmano con quelli del diritto bizantino, giova talora distinguere, nell'ambito musulmano, la costruzione sunnita dalle scismatiche e, nell'ambito cristiano bizantino, la costruzione canonica dalla imperiale.

La concezione musulmana sunnita che esclude qualsiasi ingerenza del Califfo, cioè del potere politico sovrano, in materia di *fiqh* si differenzia nettamente dalla concezione bizantina sia imperiale (per la quale il βασιλεύς è fonte prevalente di diritto), sia canonica (che considere il βασιλεύς fonte sussidiara di diritto). A quest'ultima soprattutto si avvicinano invece le concezioni musulmane scismatiche in quanto ammettono (in vario modo) un'ingerenza dell'Imām nel campo del diritto.

In quanto considerato d'origine divina, il *fiqh* ha in teoria

(1) J. Stroux, *Summum ius summa iniuria* in *Ann. Univ. Palermo*, 1929, vol. XII; E. Albertario, *Dir. romano*, 1940, 92.

(2) Le opere sulle *ḥiyal* di Khaṣṣāf, Qazwīnī e Shaibānī sono state edite dallo Schacht. (V. la recensione di G. Levi Della Vida, in *Oriente Moderno*, 1924, p. 351).

un carattere d'immobilità (in realtà inesistente perchè in contrasto con la stessa natura del fenomeno giuridico) che nel diritto bizantino, anche imperiale, è attribuito solo a quella parte del diritto anch'essa considerata d'origine divina.

Per la contrapposizione fra stretto diritto ed equità, per il suo carattere antiformalista e per la costruzione soggettiva del negozio giuridico, il diritto musulmano presenta analogie con il diritto bizantino e si differenzia invece dal diritto romano classico che considera l'equità come scopo intrinseco e finale della norma giuridica, che è formalista e che costruisce il negozio giuridico con indirizzo oggettivo (o, meglio, intersoggettivo). Ma per l'importanza storicamente assunta dalla dottrina non patentata nell'opera di costruzione del sistema giuridico il diritto musulmano (nel periodo dell'*igtihād*) presenta una certa analogia con il diritto romano classico anzichè con il bizantino.

E' evidente che tali analogie derivano da parallelismi e non da recezione, trattandosi — a prescindere da altre considerazioni — di caratteri generali del sistema giuridico intimamente connessi con la coscienza elemento generatore della giuridicità.

A causa di siffatta intima connessione alcuni di tali caratteri sono insuscettibili di valutazione strettamente giuridica. Per altri invece è possibile una siffatta loro valutazione, considerando di segno positivo i caratteri che avvicinano allo scopo del diritto — che tanto per i romani, quanto per i bizantini e i musulmani consiste nell'assicurare la migliore coesistenza sociale, soddisfacendo l'*utilitas publica* (D. 1.1.7.1 ; 1.3.16 ; c. d. Fragmentum Dositheanum § 1 ; anche Orazio Sat I, 3, 98) l'ὠφέλεια καὶ λυσιτέλεια τῶν παρὰ θεοῦ πεπιστευμένων βασιλεῖ ὑπηκόων (Poemio Prochiro), la *maṣlaḥah al-'āmmah* — e di segno negativo quelli che allontanano da esso.

L'entrare in siffatta valutazione esula dall'ambito di queste brevi note. Ma un'osservazione almeno può esser fatta. Di segno positivo — nel senso sopra indicato — va considerato quel carattere dottrinale della costruzione giuridica musulmana che ha avuto la massima importanza nel periodo storico dell'*igtihâd* e la sua giustificazione in un aspetto del concetto sunnita di *igmā'*. E nello stesso senso va giudicata l'esclusione, anch'essa solo sunnita, di qualsiasi ingerenza del potere politico sovrano

nel campo del diritto, variamente invece ammessa nelle concezioni scismatiche. Se infatti dall'elemento politico non si può prescindere in alcuna costruzione giuridica, essendo uno degli stessi suoi substrati, non è invece altrettanto necessaria — soprattutto nel campo che diciamo diritto privato — anche un'ingerenza del potere politico sovrano. Essa è anzi — assai spesso — dannosa poichè, se ammessa, tende a divenire eccessiva ed a creare squilibri che allontanano dallo scopo del diritto, generando crisi talora pericolose per l'ambiente sociale nel quale vengono a manifestarsi.

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THE IDEAL OF WORLD DOMINATION AMONG THE MEDIEVAL TURKS

I

Sociology and ethnology have demonstrated that the actions, thoughts and beliefs of a people are closely related to one another, and that certain institutions survive as a remnant or a development of a former mode of life and creed. For instance, the shamanist creed which, contrary to the religions originating among the un-warlike races of India yet in line with the Islamic conception of Holy War, promises a reward in proportion to the number of foes killed in action, cannot be explained fully without considering the war-like life and spirit of the Turks. Likewise, it is only natural that the political power or impotence of peoples should leave a mark on their psychology, or that certain creeds inspiring either hope or despondency for the future should come into existence. And such ideas and tendencies, assuming the form of an ideal, can influence the course of history. The modern historian, who seeks to understand and explain the past realistically with its moral and material factors will have to dwell on these relationship and their implications.

This line of thought leads us to a study of the manner in which material power affected the psychology of the Turks who, prior to Islam, had built great empires and extended their rule over many lands and races ; of the political creeds and ideals that came into existence, or of the extent to which such moral factors influenced the course of the Turkish history. In fact, the existing sources contain an adequate amount of

records indicating that throughout the Middle Ages the Turks sincerly believed not only in an ideal of world domination, but also in their being a chosen people of God. According to the *Oghuz-nâme*, an epic reflecting the Turkish activities during the Hiong-nu, Gök-Türk, and Seljuk periods, the legendary ancestor Oghuz Khan is a hero who subdued many an ancient race and conquered China, India, Persia, Syria, the Byzantine Empire and Russia. He and his sons have a celestial origin with miraculous events attending their births. Like Jenghiz Khan's shaman Gökçe, Oghuz Khan's shaman Ulugh-Türk (also called Irkïl-Khoja and Ḳorḳut-Ata) prophesied that God would grant Oghuz domination over the world (1). According to a legal tradition of the ancient Turks Oghuz Khan, as a symbol of this world domination, sent arrows to the east and west and on his death-bed divided the realm according to the relationship supposed to exist between the arrow and the bow (2). In addition to the *Oghuz-nâme* which contains some reflections from the Hiong-nu period there are other indications that the ideal of world domination existed amoung the Hiong-nu, the ancestors of the Gök-Turks : a phrase which appears in the Chinese sources and which shows the belief in the celestial origin of their soverreignity, the existence of the ideal of and the same belief in the heavenly origin of domination among their European successors, the Huns and the Danubian Bulgars, may well be quoted as evidence (see below).

Thus, the idea of world domination that began in a legendary form and originated with the Hiong-nu acquired a prominant and historical form under the Gök-Turks (Tou-hioue). Syriac sources, in connection with an exchange of envoys (568 A. D.) between the Khan of the Gök-Turks and the Byzantine Emperor Justin, furnish the following information which does not appear in other sources : Tears, it is said, filled the eyes of the Turkish Khan on the arrival of the Byzantine envoy. When requested

(1) *Oghuz Kagan destanï*, ed. W. Bang and R. Rahmeti, Istanbul, 1936, 11, 15, 17, 21, 27, 29, 23.

(2) Osman Turan, *The use of an arrow as a juridical symbol among the ancient Turks* (in Turkish), *Belleten* XXXV (1945), 305-318.

to explain why he wept, the Khan answered : « We have been told by our ancestors that the time is ripe for us to invade the whole world » (1). This answer is important, suggesting as it does not only the existence of this ideal but also its ancient date and its extension to neighbouring peoples. The Orkhon Monuments, which were erected some 60 years later and which occupy an exceptional place in the history of nationalist ideas and tendencies, are saturated with the same ideal. In fact, this idea is expressed in the monument which begins with the sentence : « When the blue sky was created above and the black earth below, in between man was brought into being, and my ancestors Bumïn and Istemi Khans ruled over the sons of Man ». Though Turks did not subdue many different races in that time, the idea of domination over other peoples is at least implicit here. The Turkish ruler has such a firm belief in the power of his people that he thinks that the Turkish state can be destroyed not by a foreign people, but only by the disobedience of the Turkish people itself to its own laws and King. A sentence such as : « Hearken, o lords of the Oghuz and Turks and Turkish people. Unless the sky falls down and the earth is worn through by holes who can undermine your government, your Law ? I have brought so many peoples under the Law. O Turk ! So long as thou dwellest in Ötüken, thou shalt maintain an eternal empire » (2), illustrates that ideal eloquently. This political ideal of the Turks springs from the requirements of their shamanist creed, and from the belief that God has created them as a chosen people. A characteristic of this God who, like the Jehova ot fhe Jews, is possessed of the qualities of the deity as described by Celestial Creeds, is that in difficult times He rushes to the rescue of the Turks, saving them from annihilation by sending a hero of celestial origin. This belief is reflected by the statements : « To save the Turkish people from annihilation, the God of the Turks lifted up my father Il-teris, and mother Il-bilge to the top of the heavens » (3).

(1) Michel le Syrien, *Chronique*, trad. Chabot, Paris, 1905, III, 150.

(2) V. Thomsen, *Inscriptions de l'Orkhon*, Helsingfors, 1896, 97, 105, 117.

(3) *Türk Tanrisï... Türk budun yok bolmasun tiyin budun bolsun tiyin* (Thomsen, *ibid.*, p. 100, 101).

Because of this divine favour bestowed on the Turkish people, Turkish kings were no ordinary mortals. Their person and their authority alike were believed to be of divine origin. A sentence from the Orkhon Monuments which reads « *Tanrï ŧeg ŧanrïda bolmïş Türk Bilge kagan bu ödke olurŧum* » (1), that is to say « I, Godlike and heaven-born Bilge Khan ascended my throne », as well as passages from the Tonyukuk Monument clearly reflect that belief. In the correspondence exchanged by Gök-Türk kings and Chinese emperors the formula implying the divine origin of authority was put at the top of the letters. The Chinese formula « Cha-po-lio Khan, sage empereur de l'empire des grands Tou-kioue, envoyé par le ciel (né)... », that appears at the beginning of the letter of Ishbara (Sha-po-lio) Khan (2), is indeed an exact translation of the original sentence. As the Chinese styled their emperors the son of Heaven, and as the original Turkish conception of authority was similar to it, that formula was sometimes translated to read « the Son of God » (3). The letter dated 584 A. D. by the same Khan, for instance, was translated into French in this sense by Pelliot (4). This formula is the result of a belief in the celestial origin of authority, and a record showing that it first appeared among the Hiong-nu is important as an evidence of its antiquity. In fact, Chinese sources mention that T'uman bore the title of « T'ang-li Ku-t'u Shan-yu », which meant the Son of Heaven (5). It appears that this, like the letters of Gök-Türk kings, was translated differently to suit the Chinese conception. Certain scholars, who failed to note the difference between the Turkish and the Chinese conceptions, expressed the opinion that the former, which is entirely a product of the Turkish view of religion and authority, had been transmitted to the Turks by the Chinese. The formula « Khan by (the grace of)

(1) Thomsen, *ibid.*, 114.

(2) Thomsen, *Ancient Turkish Inscriptions of Mongolia* (Turkish translation), T M III, 111, 116.

(3) Stanislas Julien, *Documents sur les Toukioue*, Paris, 1877, 48.

(4) *Neuf notes sur des questions d'Asie Centrale*, Toung Pao, XXVI (1929), 205, 206.

(5) O. Lattimore, *Inner Asian Frontiers of China*, New York, 1951, 450.

God, God-like, Melemir (appointed by God) », which appears on a monument in Greek of the Danubian Bulgars, prior to their slavification (1), is identical with the statement found in the Orkhon monuments. This shows that they, too, believed in the divine origin of authority, which could be a remnant of the Hun period. From the statement of Priskos that Attila declared that he had been appointed by God as the ruler of the whole world, we gather that the Western Huns, as well as the Asiatic Huns, shared this conception (2).

This belief and the formula reflecting it were bound to appear in the manuscripts of the Uighurs, whose kingdom was in every way a continuation of that of the Gök-Türks (3). This belief in the divine origin of authority appears more clearly among the Mongols, who remained within the framework of Turkish culture and adopted the style of the Uighur chancellery. The two famous historians of the Mongol Period, Juweynī and Rashīduddīn, narrate, on the basis of what they heard from distinguished Mongols, that a shaman named Gökçe or Tab-Tangrï was in communion with God, and that the holy man once announced that God had bestowed the domination of the world on Jenghiz Khan (4). A statement by Ascelin, the Pope's ambassador to the Mongols in 1247, that he was the representative of the greatest head of the Christians, angered Bayjū, the Mogul commander, in so much as it implied a partnership in the Khan's domination of the world, which ran counter to the aforesaid belief, and the papal letter omitted to mention the Khan's name. In the letter he addressed to the Pope, the commander specified that the domination of the world was entrusted to the Mongols by God (5).

(1) Géza Féher, *Les titres des Khans Bulgares,* in *Uspensky Memorial Volume,* Paris, 1930, 38.

(2) S. Eckhard, *Attila and his Huns* (in Hungarian), Budapest, 1940, 151 ; G. Vernadsky, *The Mongols and Russia,* Yale University Press, 1953, 97.

(3) E. Chavannes et P. Pelliot, *Un traité manichéen retrouvé en Chine,* Paris, 1913, 189 ; A. Caferoğlu, *Titles of Khans among Tu-kiu and Uighurs* (in Turkish), T H I T M, I, 105-119.

(4) Osman Turan, *On the name of Çingiz* (in Turkish), *Belleten* XIX (1941), 268.

(5) *Voyage du Frère Ascelin,* trad. Bergeron, Paris, 1830, 233 ; P. Pelliot, *Les Mongols et la papauté,* 119, 120.

The Turkish formula *Mengü Tangrï kücindä kür uluġ ūlūs nïng ɬalūy nïng khān yarlïġïmïz*, which was sometimes replaced by its Mongolian equivalant, was used by Mongol khans at the top of their letters. This is a continuation of the Turkish concept of authority, and of a Turkish literary tradition. It is clear that this formula, of which the French version of P. Pelliot reads « Dans la force du ciel éternel, (nous) le Khan Océanique du grand peuple tout entier, notre ordre » (1) agrees with that used by the ancient Turkish Khans, that the text of the Orkhon monument *Tanrï-ɬeg ɬanrï yaraɬmïş Türk Bilge Kagan sabïm (sözüm)* (2) is its original form, and that the Mongols acquired it from the Uighurs with slight modifications. The same formula, with certain Islamic terms added, was used by the Khans of the Golden Horde, too (3). Georgian sources mention that the Mongols, when referring to their God, put the phrase *Mengü Tanrï güjindä* (« By the Power of the Eternal God ») at the beginning of their books (4), i.e. their official documents. The Mongols, the Armenian historian Kiragos writes, believed that the Heavens belonged to God, and the Earth to Jenghiz Khan, and in proof therof maintained that Jenghis was born not of human parentage but of a heavenly light (5). In fact, such miraculous births were attributed to all the ancient Turkish heroes. Kings, because of their divine origin, were strangled with a bow string, without shedding their blood. The Turks, after they had become Moslems, continued this shamanist practice, and Seljuk rulers and great emirs met their death in this manner (6).

(1) P. Pelliot, *ibid.*, 15-23 ; for the same formula on coins, see Mubarek Galib, *Ancient Moslem Coins* (in Turkish), Istanbul, 1321, 62.

(2) Thomsen, *Inscript.*, 122.

(3) A. N. Kurat, *Yarlïk ve Bitikler*, Istanbul, 1940, 64 *(Mengü Tangrï küçindä Muhammad rasul Allah Haji Giray sözüm).*

(4) M. Brosset, *Histoire de la Géorgie*, I, 487.

(5) Kiragos, trad. E. Dulaurier, in T M, II, 173.

(6) F. Köprülü, *La Proibizione di versare il sangue nell'esecuzione d'un membro della dinastia presso i Turchi ed i Mongoli*, in *Annali del R. Istituto Superiore Orientale di Napoli*, Nuova serie, I, 15-23 ; also in *Bull. Hist. Turk. Law* (in Turkish), Ankara, 1944, I, 1-19.

II

At the time that they adopted Islamic civilization the Turks held these conceptions and ideals. We are not going to explain here the reasons that led to their conversion to Islam. This was outlined in an article entitled « The Turks and Islam » (1). It will, however, be to the point to remark that certain affinities between the basic principles of shamanism and Islam played no small part in this change of religion, that the attributes of the God of Islam and those of the Turkish God, as noted by the 12th century Syriac historian Michael (2), were not much different, that the Islamic concept of Holy War was consistent with the Turkish spirit, and that certain traditions of the Prophet tending to favour the Turks, which were extensively known even before the conversion of the Turks to Islam, seem to have attracted them to that religion. A tradition of the Prophet mentioned in the *Ṭabaḳāt* of Ibn Sa'd and purporting to imply that the Turks would drive the Arabs into the desert, another widely reported tradition « Do not hurt the Turk till he hurts you » (3), works written by certain Mohammedan authors in praise of the Turks like that of Jaḥiẓ, the belief brought about by the crisis through which Islam was passing in the 10th century that Turkish conquerers from the East would save the world of Islam — all these convinced the Turks that Islam confirmed their ideal of world domination. The Seljuk invasion, which established the Turkish sway over the world of Islam, served to preserve and strengthen that ideal. The « holy tradition » *(ḥadīth-i ḳudsî)* : « I have an army in the East which I call Turk, I set them on any people that kindle my wrath » (4), allegedly a word of Allah and equally applicable to the Mongols, first appeared at the time that the Seljuk Empire had just

(1) Osman Turan, in *Bull. Fac. of Arts of Ankara* (in Turkish), IV 4, 465-471.

(2) Michel le Syrien, III, 156.

(3) Apart from the great collections of traditions by Bukhārī, Muslim, Nasā'ī, Suyūṭī and others, this kind of tradition can be found in the geographical dictionary of Yāḳūt and several medieval chronicles.

(4) Maḥmūd of Kāshġar, *Dīvān luġāt al-Turk*, I, 293.

been founded, and was later repeated in many works dealing with the Turks. This tradition is nothing but an Islamized form of the pre-Islamic belief of the Turks that they were a chosen people of God, and that the domination of the world was bestowed on them by Him. The Moguls urged the neighbouring rulers to surrender by sending them letters containing this « Word of Allah », which had gained extensive circulation. In the letter addressed by Hulagu to Malik al-Nāṣir, the opening words « We are the soldiers of Allah » allude to that tradition (1). Maḥmūd of Kāshġar saw the greatness of the Seljuk period, and was proud of it. After observing that God had bestowed world domination and the control of nations upon the Turks, that he had made them superior to other peoples, that he blessed and aided with his providence all those who followed them and that he protected mankind from evil through them, this learned citizen of Kāshġar narrates under oath that he had heard the following authenticated tradition from two Imans of Bukhārā and Nīshāpūr : referring to the rise of the Ghuz (Oghuz) Turks and the signs which will announce the last days of the world, the Prophet said : « Learn the language of the Turks, for their rule will last long ». « If this tradition is authentic », says Maḥmūd after recording it, « it is necessary to learn Turkish. If not, then reason makes it necessary for people to learn it ». He thus expressed the Turkish ideal of world domination (2). Obviously what is important in this matter is not the authenticity of the tradition attributed to the Prophet, but rather the psychology reflected by it and its results.

Mohammedan thinkers, realizing that the internal and external dangers to which the world of Islam had been exposed were averted by the Turks, expressed their gratitude and cherished the Turkish ideal of world domination. The following story of Rawandī, who dedicated his work to Ġiyāthuddīn Keykhusrev, is significant. « Grant me Thy grace, oh Allah, if my inter-

(1) Aḳsarāyī, *Musāmarāt al-akhbār*, Ankara, 1944, 51 ; 'Aṭā-Malik Juwaynī, *Jahān-Gushā*, I, 17 ; Jūzajānī, *Tabaqat-i-Nāṣirī*, transl. Raverty, 353 ; Niẓāmuddīn Sāmī, *Ẓafarnāme*, ed. F. Tauer, 218; Aflākī, *Manaqib al-'ārīfīn*, Ankara Public Library, 227 a.

(2) Maḥmūd of Kāshġar, I, 2-3.

pretations of the divine law are right », prayed Imam Abū Ḥanīfa according to the story, during his last pilgrimage to Mecca, « for I have consolidated the religion of Mohammed for Thy sake ». To this an invisible speaker answered : « Thou speakest the truth, so long as the sword remains in the hand of the Turks, thy faith shall not perish ». Adding his opinion of this story, the same author says : « Praise be to God that the defenders of Islam are mighty and followers of the Ḥanafī school, happy because the Turk carries the sword in his hand to the lands of the Arabs, Persians, Byzantines, and Russians » (1), thereby expressing the feelings of all Mohammedan writers. In addition to the works of such well-known authors as Fakhruddīn Mubārakshāh, Naṣīruddīn b. 'Abduljalīl and Ibn Ḥassūl, a large number of other sources express feelings of gratitude for the service rendered to Islam by the Turks (2). We shall content ourselves with quoting a passage attributed to Afrasiab, and apparently known among the Turks, which Fakhruddīn Mubārakshāh mentions in connection with his praise of the Turkish slaves who founded kingkoms far from their native land : « Like a pearl torn away from the mother-of-pearl in the sea, the Turk when separated from his home becomes precious, a crown for kings and an adornment for brides alike ».

The poem of Ġazzī (1049-1130), wherein the Turks are described as demons in war but angels in peace, is quoted in a large number of sources. Thus, many thinkers believed in the Turkish ideal of world domination and elaborated it. From the time of the Seljuks onwards, non-Turks had no longer any political part to play in the world of Islam ,and the belief that domination was an exclusive right of the Turks became firmly established. The Caliphate at Bagdad, which lost its political authority with the emergence of the Seljuks, attempted under Nāṣir lidīnillāh (1180-1225) to re-establish its political sovereignity after the dismemberment of the Seljuk Empire. The Turks

(1) *Rāḥatu's-ṣudūr*, Gibb Mem. Series, 17-18.

(2) *Tārīkh-i Fakhruddīn Mubārakshāh*, ed. D. Ross, 36 ; Naṣīr uddīn b. 'Abduljalīl, *Kitāb al-naḥd*, Teheran 1331 ; Najmuddīn Rāzī, *Mirṣād al-'ibād*, ed. Teheran, 11-12 ; Yāḳūt, *Mu'jam al-Buldān*, ed. Wüstenfeld, IV, 403 ; Vaṣṣāf, ed. Hammer, 105.

considered this an illegitimate action, and warned the Caliph not to step beyond the sphere of religious affairs (1). Having originally admitted the superiority of the Arabs and Persians in civilization the Turks, once they had gained world domination and power, regarded them as an effiminate body of men whose morals and character had become lax under the drowsy influence of civilization. Even certain Turks exposed to the same influence were considered no better than Arabs and Persians, and called *Tajik* in derision (2). Although the heaviest blows of the Mongol invasion fell on the Turks, political control after the decline of the Moguls passed again into Turkish hands. In dealing with the battle of 'Ayn-Jālūt, where the Mongols sustained their first defeat, Mohammedan authors who regard the Mongols as Turks say : « What an irony of fate that the Tartars could only be defeated by the Turks, their kinsmen » (3).

The Turks felt their ideal of world domination and superiority still more strongly in front of the Armenians, Syrian Christians, and especially the Greeks, with whom they established contact in Anatolia (4). This is also recorded and admitted by Byzantine authors. Kutalmïş regarded the Byzantines as effeminate men, and this view was one of the factors that led to the conquest of Anatolia. « What brings you here, a desire to embrace Christianity or to do evil acts ? » demanded the envoys of the first Crusade from Gür-buğa ; « we suggest that you withdraw from the country of the Christians ». « We are not interested in your God and your Christianity », proudly answered the Turkish commander, « it surprises us that you should put forward a claim on these lands, for we have taken them from effeminate people. Are your lords willing to become Turks, to renounce their God and religion ? If so, they may stay here.

(1) *Rāḥatu'ṣ-sudūr*, 334.

(2) This reflects the thought of the nomadic period. On the contrary, when the Turks had later been influenced by Persian culture and had' forgotten their own Turkish traditions, they called their congenerous nomads and peasants, who were not under the same influence, « Türk » in derision.

(3) 'Aynī, *'Iḳd al-Jumān*, Veli ud-din Library, Nr. 2391 (vol. XIX), 436.

(4) Briennos, trad. Cousin *(Histoire de Constantinople)*, Paris, 1672, III, 674 ; Zonaras, *Chronique*, trad. M. St. Amour, Paris, 1560, I, 97 a.

We will give you cities and horses, you will become horsemen like us, and we will always extend our friendship to you. Otherwise, we will put you in chains, take you to Khorasan or kill you » (1).

The Turks changed neither their belief nor their attitude, even after the first Crusade when they were retreating and the Byzantines advancing in Anatolia. Although the Emperor Alexis Komnenos had recaptured the Anatolian coast, the Turks regarded his alleged illness as a design to cover his cowardice. And at their military camps they amused themselves with comic plays representing the Emperor as a bed-ridden invalid with physicians rushing to his bed-side in a mirth-provoking manner (2). After the battle of Myriokephalon (1176), the Byzantine were fully convinced that supreme power had passed from them to the Turks. So they did not even refrain from clearly admitting this fact among themselves or in their talks with the Turks. A discussion between the Byzantine emperor and a Turkish scholar, which is mentioned in a Greek source, reflects the same attitude (3). On the other hand, a Turkish source narrates that in a discussion among the Greeks, an assurance by a priest that the Turks will not go to Heaven was countered with the question : « Will the Turks, who drove us from our homes in this world, leave us alone in Heaven ? » (4). « The Turks who fled like women before the Moguls », writes a Byzantine chronicle, « acquitted themselves manfully against the Greeks » (5), thereby contrasting the reactions of the two sides to the Mogul invasion. According to a tradition attributed by the Syriac Christian Michael to Ezekiel, « God incited the Turks to this invasion as a retribution for the wickedness of the Greeks » (6). This shows the prevalence among Christians,

(1) *Histoire anonyme de la Première Croisade*, ed. Brehier, Paris, 1924, 150, 151.

(2) Anne Comnène, *Alexiade*, Paris, 1945, III, 188.

(3) M. C. B. Hase, *Notice d'un ouvrage de l'empereur Manuel Paléologue intitulé Entretien avec un professeur Mohametan*, in *Notices et Extraits*, t. VII, Paris, 1810, 309-382.

(4) *Şaljūk-nâme*, Top-Kapu Saray Library, 4b.

(5) N. Gregoras, I, 137 ; P. Wittek, *Menteşe Beyliği*, Ankara, 1944, 16.

(6) Michel le Syrien, III, 154.

too, of a belief similar to the tradition of the Prophet Mohammed prevalent among Moslems. A similar belief concerning Attila had also existed in the Europe of his time. Thus, the Turkish ideal of world domination, which developed along with Turkish political power, was accepted by other peoples who admitted the superiority of the Turks.

The Turks also retained their feeling of superiority towards the peoples of Western Europe with whom they established contact during the Crusades, and the world of Islam, in spite of its political dismemberment, believed that the superiority would remain in the hands of the Turks. Sheikh Sharafuddīn Būsīrī, inspired by a vision he saw during the battle of Acre, foretold to Malik al-Ashraf Khalīl that « The Turks once on their forward march, would not yield an inch of ground to the Crusaders » (1). The Turks, however, noticing the valour and chivalry on the Franks on the battlefield, had a higher regard for them than for other peoples, and the Franks, too, felt the same admiration for the Turks. « The Turks are a heroic people », writes a chronicle of the First Crusade. « They thought they could frighten us as they frightened the Arabs, Moslems, Armenians, Syrian Christians and Greeks. The Turks believe they belong to the same race as the Franks (an allusion to the myth that the Turks and the Franks had their origin in Troy). They maintain, therefore, that only the Turk and the Frank have a right to become a knight. If they embraced Christianity no one could equal their power. But our men will not, I hope, be terrified by the Turks, and we shall beat them by the Grace of God » (2). This reflects the mutual admiration which both sides had for one another. In fact the Franks, who had come to fight the Turks and give assistance to the Byzantines, went back home convinced that the latter had betrayed them and the cause of Christianity. On the other hand, the Franks, as mentioned by noteworthy sources, changed their feeling of antagonism towards the Turks who showed themselves to be chivalrous and valiant in war and kind and human in peace.

(1) Quatremère, *Histoire des Sultans Mamlouks*, II, 127.

(2) *Hist. anon. 1re croisade*, 51 ; *Histoire du voyage à Jérusalem par Tudebode* (Michaud, *Bibl. des Croisades*), I, 255 ; G. Finlay, *History of the Byzantine Empire*, London, 1851, 235.

Following the Mongol domination, the Turks, rallying round the Ottoman Dynasty, sought to revive their ideal of world domination, strengthening it with such sacred elements as Mohammed's alleged statement on the conquest of Istanbul and the existence near that city's walls of the tomb of Abū Ayyūb, a disciple of the Prophet (1). To this they added a more intelligent conception of national culture, language and history. Furthermore, a concept of history which, through the Seljuks and Ḳarakhanids, reached back to the mythical ancestor Oghuz-khan, assumed at this period a clearer form. What is even more important is that at that time the ideal of world domination penetrated the consciousness of the masses. In fact, the myth of *Kïzïl-Elma* « The Red Apple », which symbolized the ideal of world domination, appeared for the first time at this period in Anatolia. A brilliant metal ball on Justinian's monument standing before the Church of St. Sophia was the lucky charm of the Byzantine Empire. In the 14th century, when the Byzantines thought that the falling down of that metal ball would spell the doom of their Empire, the Turks believed that by taking possession of that lucky charm they would realize their dream of world dominion. Such was the Turkish myth of the « Red Apple », and as the Turkish Empire grew wider, the Red Apple moved farther and farther away. Thus, following the conquest of Istanbul it moved to the dome of St. Peter's in Rome. The fact that Evliya Çelebi saw a connection between this and a myth relative to the birth of Mohammed is rather significant (2). In spite of the Ottomans' attachment to the theory of Ibn Khaldūn, they believed in the permanence of the Empire even when it was on the decline. This is important, insefar as it demonstrates the strength of the ideal.

How did the Turks, with their ideal of world domination, and with their feelings of superiority, behave throughout the

(1) On the traditions on the conquest of Constantinople, see M. Canard, *Les expéditions des Arabes contre Constantinople dans l'histoire et dans la légende*, JA, 1926, and Osman Turan, *The Conquest of Constantinople and History* (in Turkish), in *Türk Yurdu*, Ankara, 1954, I, 30, 35.

(2) F. W. Hasluck, *Christianity and Islam under the Sultans*, Oxford, 1929, II, 736.

middle ages towards the many foreign races and religions under their rule ? That this rule which lasted so long and united so many lands and races, could not have endured without justice and religious tolerance is self-evident.

In fact, we have in our hand a sufficient number of documents which show that the ideal of world domination ran parallel to an ideal of humanity, and that the Turkish people and Turkish thinkers along with the Turkish rulers nurtured this ideal of humanity. This point was dealt with in my articles entitled « Coordination of Nationalist and Humane Feelings in the Teaching of History » (1) and « Les Souverains Seljoukides et leurs sujets non-musulmans » (2), and other aspects of this subject will be studied in the future. The Turks made extensive use of this spiritual factor in realizing their ideal of world domination. Another important factor which undoubtedly contributed to the growth of Turkish political power was the fact that the Turkish people and the Turkish rulers in their concept of state thought above everything else of public good and social solidarity. This is not the place for handling this subject. We shall therefore, content ourselves with giving two quotations. The Gök-Türk kings, according to the Orkhon Monuments, sought « to feed the hungry, to clothe the naked, and to make the Turkish people happy and powerful », and in a corresponding spirit the Gök-Türks, under the Chinese yoke, wondered : « I was a people with a Khan. But, where are, now, my government, my Khan ? Whom shall I serve now and why ? (3). Likewise, Mohammedan authors write thta, whilst the rich in other countries squandered their wealth for their own pleasures, wealthy Turks, first in Turkestan and then in Anatolia, devoted their wealth to charity, and to religious, social and cultural institutions (4). But orf this moral element supporting material power, and ideal of world domination could not have existed.

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(1) *Bull. Fac. of Arts of Ankara* (in Turkish and French), X, 3-4 (1952), 209-225.
(2) *Studia Islamica*, I, 65-101.
(3) Thomsen, *Inscript.*, 106, 107.
(4) Osman Turan, *Seljuk Caravanserais* (in Turkish), in *Belleten* XXXIX (1946), 489-491.

DANS LE DELTA DU NIL : LE VILLAGE ET L'HISTOIRE

Les manuels insistent sur la démarcation qu'opère, dans le passé de l'Égypte, l'expédition française. Le repère est commode, le moment aigu, violemment éclairé, paré d'un exotisme en avance de trente ans sur les *Orientales*. La prise de conscience du pays par l'Occident semble s'accompagner d'une prise de conscience du pays par lui-même.

Sans doute entre-t-il dans cette vue une bonne part de témérité. Et surtout, c'est un jugement rétrospectif porté sur le passé à la lumière d'évolutions ultérieures (1). Cependant, scrutons certaines vies de l'époque.

Voici, par exemple, trois personnages d'al-Azhar, purs traditionalistes à l'origine. L'historien al-Gabartî passe du stade de la croyance la plus naïve à celui de la critique. Le Cheikh al-'At't'ar devient l'annonciateur de temps nouveaux. Le Cheikh ach-Charqâwî pressent des méthodes éducatives jusque-là inconnues (2).

N. B. L'étude d'une dizaine de villages du district de Menouf, en Basse-Egypte, a fourni la matière du présent article, ainsi que des articles suivants, auxquels on pourra se reporter : « Sur la structure sociale de quelques villages égyptiens », *Annales E. S. C.*, 1955 ; « Dans le delta du Nil : des bourgs ; la terre et l'événement », donné aux *Annales de Géographie ;* « Le comédien et les fellahs », donné à *Hespéris*. En préparation : « Dans le Delta du Nil : jadis et naguère ».

(1) Cf. en ce sens, A. Louca, « La renaissance égyptienne et les limites de l'œuvre de Bonaparte », *Cahiers d'histoire égyptienne*, février 1955, pp. 1 sq.

(2) Ibrahim Salama, *L'enseignement islamique en Egypte*, 1939, pp. 159 sq. Sur 'Abd Allah ach-Charqâwî, cf. Mah'mûd Charqâwî, *Miçr fî'l-qarn ath-thâmin 'achara*, 1955, pp. 54 sq., 191. Par contraste, Zakkî Muh'ammad Ghayt', « Chuyûkh al-Azhar fî'l-qarn ath-thâni 'achara », *Al-Majalla at-ta'rîkhiyya al-miçriyya*, t. II, 1949, pp. 245 sq.

Avec le copte Mu'allim Ya'qûb, prématurément mort en Europe, l'idée nationale égyptienne fait son apparition sur le plan de l'expression consciente. Cette carrière est l'antithèse de celle de 'Umar Makrâm (1), leader du concept islamique, et que l'on oppose aujourd'hui volontiers à Muh'ammad 'Alî. Mais si rigoureux champion d'authenticité que soit 'Umar Makrâm, sa vie n'en reçoit pas moins, des années de 1798 à 1801, comme un changement de rythme. Du reste, il échoue aussi bien que le copte Ya'qûb : celui-ci parce que trop en avance ; celui-là « parce qu'il ne peut pas payer le prix de la théocratie islamique qu'il souhaite » (2).

L'un et l'autre échouent. Mais le branle est donné. Le style des événements généraux comme celui des psychologies individuelles s'est modifié. Le rythme inquiet du jacobinisme semble avoir fait naître ici de nouveaux rythmes. La réponse est immédiate, qu'elle soit de compréhension ou d'hostilité. Et l'on ne peut s'empêcher de comparer — *mutatis mutandis* — sa vivacité en Égypte, à sa précarité dans l'Alger de 1830. Il est vrai que, dans le cas de l'Égypte, le conquérant s'en va, et qu'ainsi se délimite, dans le temps comme dans l'espace, une belle causalité historique. Mais certainement aussi, c'est que le pays est plus riche de substance et d'appels.

Dans quelle mesure cette mutation atteint-elle les campagnes ? De celles-ci l'immobilité, l'immutabilité légendaires font illusion. Elles ont été le théâtre, pendant le XIX^e^ siècle, de changements dans tous les domaines. Leur cadre physique a été perturbé par la substitution de l'irrigation pérenne à l'irrigation de crue, qui couvrait périodiquement le pays. Simultanément, les espèces végétales ont étendu leur gamme et de nouvelles cultures se sont développées. De tenancier précaire, soumis à une sorte de seigneurie fiscale, celle du *multazim*, le paysan a accédé à la pleine propriété. D'une occupation lâche et nonchalante où abondent maquis, pâturages et terres incultes, le pays est passé à une formidable compression démographique : près

(1) Sur ce personnage, cf. Farîd Abû H'adîd, *Sirat as-sayyid 'Umar Makrâm*, 1948 ; G. Wiet, *Nicolas Turc*, 1950, p. 277, n° 2 (bibliographie).

(2) Çubh'î Wah'îda, *Fi uçûl al-Mas'ala al-miçriyya*, 1950, p. 133.

de 800 habitants au kilomètre carré de nos jours dans la Menoufia, à laquelle nous emprunterons nos exemples.

Tous ces phénomènes politiques, juridiques, économiques, techniques, démographiques sont naturellement responsables des structures et des mentalités présentes, encore qu'il soit délicat de faire la part de ce qui procède d'eux à coup sûr, et de ce qui remonte à des permanences dont ce pays, plus que tout autre, a le secret. C'est ce que nous allons tenter.

Éléments historiques d'un paysage rural

La Menoufia, dans les sources arabes, est le *rîf*, c'est-à-dire la « campagne » par excellence (1). Cette campagne est constituée d'agglomérations massives entre lesquelles règne le terrain de culture, le *ghît'*. Chaque village dispose d'une superficie variable, appelée *zimâm*. Cette appartenance s'enfonce dans la nuit des temps. Les périmètres sont stables, encore que les opérations cadastrales du XIX^e^ siècle aient parfois constaté une tendance à l'expansion et qu'inversement la défaillance d'un village à payer l'impôt ait pu, dans certains cas, entraîner son démembrement (2) au profit des voisins. En gros, cependant, ces périmètres semblent traditionnels. Mais leur tracé pose des problèmes que l'antiquité des origines et les conditionnements du milieu expliquent, sans les résoudre. Parfois les limites s'entrelacent. Parfois au contraire, elles affectent un parallélisme régulier, à moins qu'elles ne s'allongent démesurément, comme c'est le cas en bordure du désert (3).

Le *zimâm* est découpé en unités secondaires appelées *h'ûd'* (litt. : *h'awd'*) dans le Nord, *qibâla* dans le Sud. Unités avant tout fiscales. Elles visent à traduire une certaine homogénéité entre pièces contiguës pour l'assiette de l'impôt. Tant s'en faut pour-

(1) Sur ce mot, cf. Silvestre de Sacy, *Relation de l'Égypte par Abd-Allatif*, 1810, pp. 378 sq.

(2) H. G. Lyons, *The cadastral survey of Égypt*, Cairo, 1908, p. 62. Dans quelle mesure cet arbitraire était-il accepté ? C'est une autre histoire. Ne retenons ici que ces possibilités administratives exorbitantes.

(3) Id., *ibid.* cartes XI, XIII et XIV hors-texte.

tant que la notion soit claire. Son caractère administratif l'emporte, du moins aujourd'hui, sur tout autre : aucun lien ressenti entre cette division territoriale, et celle qu'imposait autrefois l'irrigation par bassins. Cependant, celle-ci est dite *h'awad'î* (1). La ressemblance de noms paraît assez forte pour qu'il faille voir dans ces « quartiers » purement fiscaux la trace d'anciens « quartiers » naturels, liés au faciès du paysage et à la technique de l'eau. L'archaïsme des noms confirmerait l'idée d'un ordre antérieur aux organisations des derniers siècles, et ouvre un champ d'études fort suggestif (2).

Cependant le rudiment antique a disparu sous l'apport considérable d'un étatisme centralisé. L'impôt et le cadastre sont les deux éléments essentiels du passé de ces campagnes. La part de l'exigence gouvernementale, traduite par l'arpentage des terres, a dominé la construction du paysage. De cette campagne plantureuse, à la triple fécondité : végétale, animale et humaine, l'histoire qui se discerne est une histoire venant d'en haut, et soumettant la vie aux règles de la géométrie et de la fiscalité.

C'est également cet aspect qui a régi la limitation des fonds de terre. Ici, pas plus qu'en matière de *zimâm*, ou de *h'awd'*, la documentation actuelle, qui nous renseigne sur les législations du XIX^e^ siècle, n'est un guide suffisant pour l'intelligence du passé. Quelle est la réalité sociale qui monte vers nous, de plus loin que la fin du XVIII^e^ siècle et que la *Description de l'Égypte?* Comment s'opère, en quelque sorte, la jonction entre ce legs ancestral et les violentes réorganisations de Muh'ammad 'Alî ? En un mot, avons-nous le droit, dans cette civilisation rurale, de considérer le fonds de terre comme procédant d'une antique continuité, ou tout au contraire comme résultant des réformes du XIX^e^ siècle ?

La question est d'importance, par les lumières que sa solution pourrait jeter sur la psychologie paysanne. S'il y a, dans l'actuelle répartition des fonds de terre, quelque chose qui reflète un ordre de choses antérieur aux réformes et qui, sous l'oppression même

(1) Ou *h'iyâd'i*, cf. Muh'ammad Fahmî, *Uçûl az-zirâ'a*, 1952, pp. 37 sq.

(2) Remarque de H. G. Lyons, *op. cit.*, p. 66. Mais où en sont les études de toponymie en Egypte ?

de l'*iltizâm*, aurait traduit la réciproque appropriation du groupe et du *zimâm*, notre conception de la société rurale égyptienne sera celle d'une exacte et immémoriale continuité, celle même que postulent le folklore et les mœurs. Au contraire, si Muh'ammad ʿAlî, lorsqu'il détruisit le régime de l'*iltizâm*, a agi sur table rase, la propriété moderne, dépouillée de ce long contexte historique, ne sera plus, en quelque sorte, qu'un fruit des temps nouveaux. La part de l'improvisé, de l'artificiel et du régalien sous toutes ses formes sera en elle prédominante. L'extrême morcellement qu'entraîne la croissance démographique, viendra parachever cet aspect, pour nous faire considérer le fonds individuel comme résultant d'un moment historique déterminé.

Or le statut du paysan du XVIII^e siècle, tel qu'il ressort de la *Description de l'Égypte* (1) n'est pas celui d'un propriétaire, mais d'un manouvrier et d'un terrassier. Quoi que l'on puisse supposer des sentiments « naturels » qui lient cet être au sol, tant de précarité juridique ne peut manquer de les affecter. Le « seigneur » du village n'est qu'un concessionnaire de l'impôt. Absentéiste, étranger dans la plupart des cas, il n'est pas toujours le seul maître au village. Malgré les liens personnels qui fatalement doivent s'instituer entre les villageois et lui, et qui comportent eux aussi leur équivalent fiscal, l'*iltizâm* n'est à aucun titre une féodalité (2). C'est comme une valeur mobilière, transmissible sous certaines conditions, et dont l'État pourra, sans grandes difficultés, opérer le retrait. Ajoutons qu'il y a de nombreuses terres inoccupées. Les recensements de la première moitié du XIX^e siècle, dans le laps même où s'opérèrent les réformes de Muh'ammad ʿAlî, les chiffrent à des superficies considérables. Précarité de l'usufruit, disponibilité du sol, mouvements de la propriété éminente et des fermages, tout cela façonne un sentiment *sui generis*.

(1) M. A. Lancret, « Mémoire sur le système d'imposition territoriale et sur l'administration des pouvoirs d'Égypte », *Description de l'Égypte*, 2^e éd., 1822, t. XI, pp. 466 sq. Cf. aussi H. A. R. Gibb et H. Bowen, *Islamic society and the West*, Oxford, 1951, pp. 259 sq.

(2) Volney l'avait noté, dans sa judicieuse analyse du *miri*, *Voyage en Syrie et en Égypte*, 1787, t. II, pp. 372 sq.

Or la véhémence de ce sentiment n'est pas douteuse. Opprimé et exploité, le paysan revient toujours à sa campagne. Il ne peut s'en passer. Il a horreur de la quitter. La conscription militaire, qui l'arrache à ses assises sera son épouvante : les mutilations mêmes lui paraîtront un moyen valable pour y échapper (1). Cela, en tout cas, c'est ce qu'on nous dit. Mais l'explication peut être moins simple. Est-ce son champ, que ce paysan regrette, ou son village ? Dans le service militaire, est-ce l'exil qui lui fait horreur, ou bien la mutation de type, le passage brusque à une forme de vie dont il fait, traditionnellement, la caractéristique d'immigrants ? Nous ne pouvons conclure.

Ce qu'il y a de certain c'est que cet homme, en tant que paysan, est aliéné. Les juristes expliquent ce cas par la tenure *Kharâjî*, où seul l'usufruit est dévolu au cultivateur, la propriété éminente revenant à l'état. Cette théorie du *Kharâj*, sur laquelle personne ne s'entend, du Khorasân au Maroc, paraît avoir été une colossale machine de justification fiscale, et d'étiologie rétroactive. Le paysan n'est pas opprimé parce que de statut *Kharâjî*. On légitime son oppression par le *Kharâj*. Ceci est tellement vrai qu'en Afrique du Nord, terre d'autonomie communale, elle n'a jamais pu entrer dans les faits. Il faut donc chercher ailleurs que dans la théorie juridique l'explication de destins si divers (2).

L'homogénéité de ce paysage rural, périodiquement submergé, nécessite sans aucun doute un art de l'arpentage capable de restituer des limites après la crue, et d'autre part des démarcations juridiques tranchées entre catégories de sol. Nous ignorons absolument si le *tarbî'* actuel des villages, leur répartition en quatre quartiers cardinaux, a pu répondre initialement à une répartition des tenures. Rien de tel n'est observable, semble-t-il, ni ne ressort de documents à vrai dire insuffisamment

(1) A. B. Clot-bey, *Aperçu général sur l'Égypte,* Bruxelles, 1840, t. II, p. 244 et *Mémoires,* éd. J. Tagher, 1949, p. 304.

(2) Aux antipodes du type, le Maghreb, où le concept de *Kharâj* n'a été qu'un argument de chancellerie en vue d'une main-mise du prince sur les terres de tribu, et l'Égypte où il a au contraire recouvert une domanialité d'état. Cf. sur ce dernier point, Cl. Cahen, c. r. du livre de Loekkegaard, *Arabica,* 1954, p. 348.

dépouillés. Ce qui est net, en revanche, c'est la qualification des terres en *Kharâjî*, « tenure », *waqf* « mainmorte de fondation pieuse », *rizq*, *waçiyya*, *masmûh'a*, etc..., correspondant plus ou moins à l'« apanage ». Dans la plupart des cas, l'immeuble a si peu d'identité matérielle, s'accroche si peu au paysage que sa consistance tient à un rapport : le *dominicum* du concessionnaire est proportionnel à la surface de terre affermée, et celle-ci s'exprime en *qirâṭ*-s, « sous-multiples » du périmètre villageois. Seul le *waqf* échappe à cet anonymat. Il parvient à un degré supérieur de personnalité topographique. Mais c'est une catégorie très spéciale. D'une façon générale, là où, sur la foi de l'histoire rurale méditerranéenne ou européenne, nous serions tentés de chercher un lien substantiel entre la terre et ses modes d'appropriation, nous ne trouvons qu'agilité abstraite, expression monétaire, fantaisie du pouvoir.

Sans doute n'est-ce là que le visage administratif des choses. Mais quelles réalités se dissimulent sous cette forme, et dans quelle mesure celle-ci est inadéquate ? Il faudra bien des recherches dans les archives de la Rouznamah (1), bien des analyses de titres, et aussi l'interprétation archéologique de ce qui peut subsister d'ancien dans ce paysage rural (toponymes, répartition des fonds familiaux, etc...), — si nous voulons répondre à cette question.

A partir du cadastre (2) de 1813 s'affirme la déchéance du régime de l'*iltizâm*. La concession s'opère directement désormais du souverain à ses tenanciers. Une répartition du sol disponible est faite entre ceux-ci. Mais dans quelle mesure se réfère-t-elle à d'anciennes limites ? C'est ce que nous ignorons. Que l'arpentage ait respecté les unités anciennes ou qu'il en ait constitué de nouvelles, comme sur table rase, ou encore, plus vraisemblablement, qu'il y ait eu transaction entre les deux systèmes, l'aspect fiscal de la réforme, l'augmentation du *miri*, la surta-

(1) Entreprises par Ibrahim al-Mouelhy, dont on consultera avec profit l'utile petit livre, *Le paysan d'Égypte à travers l'histoire*, Caire, 1954.

(2) F. Mengin, *op. cit.*, t. II, pp. 337 sq. (critique) ; A. B. Clot bey, *Aperçu général*, pp. 182 sq. (favorable) ; Ibrahim al-Mouelhy, « Ibrahim administrateur », *Cahiers d'histoire égyptienne*, numéro spécial, série I, n° I, pp. 29 sq. (précieuse contribution d'archives). Ce cadastre est appelé *rûk al-bilâd* ou *târî'* (probablement pour *tarbî'*, mot consacré depuis le premier cadastre ottoman).

xation résultant d'un changement de l'instrument de mesure, la commercialisation par l'État des produits du sol : ces divers éléments ont certainement joué pour conférer à la réforme un tout autre sens que celui que nous lui prêtons dans les perspectives de la législation ultérieure. A coup sûr, l'opération de 1813 consacre moins l'avènement du droit de propriété du fellah, qu'elle n'oblige le malheureux à de nouveaux travaux, à de nouvelles peines, et ne le soumet à une rigoureuse machine d'économie dirigée.

Et c'est pourtant dans le sens de l'affranchissement que l'évolution va jouer. La principale étape est celle de la loi de 1858, qui combine curieusement l'affirmation d'une propriété éminente du prince et la consécration d'un fait envahissant. Elle subordonne encore toute transmission successorale à la solvabilité des héritiers, toute amodiation, et même tout transfert à autorisation administrative. La dernière trace de ces réserves disparaît avec le décret de 1891, et celui de 1896 fait entrer expressément les anciennes terres *Kharâjî* dans la catégorie du *milk* (1).

Dans le même temps cette humanité décuple. Les tâches vides que mentionnent les cartes de l'Expédition française se peuplent. Certains villages croissent jusqu'à ne plus laisser entre eux d'interstice : ils poursuivent, soudés, une vie autonome. Et la face du pays se transforme. L'irrigation pérenne, empruntant canaux et rigoles, se substitue à l'irrigation de crue, qui recouvrait périodiquement le pays par nappes. Ce n'est plus l'alternance du désert, de l'eau et de la verdure, comme jadis. Mais une poussée permanente de végétaux. A la densité humaine répond la luxuriance botanique, que confirme une insistante politique de plantations. Concurremment, la durée se condense. Il y a désormais deux, trois campagnes agricoles. D'où multiplication du travail. Et comme le limon n'arrive plus aux champs, il faut restituer à la terre, par l'engrais animal, une fécondité mise à rude épreuve. L'infini va-et-vient

(1) Sur toutes ces évolutions, Yacoub Artin pacha, *La propriété foncière en Égypte*, 1883, pp. 88-115 et le clair exposé de Kamil Moursy, de l'*Étendue du droit de propriété en Égypte*, Paris, 1914, pp. 104 sq.

des bêtes de somme, ânes surtout, de l'écurie au champ, commence, pour ne plus s'arrêter. Il dure jusqu'à nos jours, malgré l'introduction de l'engrais chimique. Son obsession est telle qu'elle chasse le paysan du village. J'en connais un, de Ficha aç-Çoghrâ, que la tyrannie des fumures a forcé à émigrer !

Car cette expansion vitale a déjà trouvé ses limites dans les possibilités de superficies trop étroites et d'un sol surmené. L'univers, autour du paysan, se meuble, se resserre. Il devient dirait-on, compact. Il se solidifie. Reste l'évasion. La multiplication des tâches ne suffit plus à tenir la horde croissante en haleine ni surtout à l'occuper efficacement. Chômage, sous-emploi, affairement improductif, parasitisme deviennent le lot du villageois. La construction sociale se complique. Les formes familiales luttent obstinément et maintiennent, comme un legs archéologique, de vieilles institutions de solidarité. Mais sous une forme diminuée et comme inoffensive. A la compacité qui l'oppresse, l'homme répond par la diversion et par la dispersion.

Depuis deux générations au moins, le paysan égyptien est parvenu à la pleine capacité immobilière. Et ce progrès légal s'est accompagné d'un mouvement démographique qui, à chaque succession, tronçonne des parcelles déjà exiguës et divise les lopins au point de leur ôter toute substance (1). L'évanescence juridique des origines est parvenue de nos jours à une sorte d'évanescence économique. Et cependant, le seigneur, de représentant du fisc, se faisait grand latifondiaire (2). Malgré bien des tentatives gouvernementales, l'inégalité des richesses reste flagrante et condamne la grande masse des villageois au sous-emploi et à la sous-alimentation.

Et cependant l'œuvre du gouvernement fut et reste gigantesque. Depuis un siècle et demi, dans toutes ces institutions

(1) Il y a une cinquantaine d'années, le Cadastral Survey ne dénombre en Menoufia que 261.000 parcelles pour 374.000 feddans (157.000 ha.) cultivés, soit 1, 5 feddan par parcelle (H. G. Lyons, *op. cit.*, p. 147).

(2) Cette évolution a dû commencer immédiatement après la suppression de l'*iltizâm*, et notamment par le jeu des dépossessions résultant de la défaillance à l'impôt. Cf. témoignage de J. Bowring, mémoire de 1837, traduit par Fu'âd Chukrî et autres, *Muh'ammad 'Alî, banâ' dawla Miçr*, 1948, p. 165.

la part du législateur, de l'administrateur a été plus forte qu'elle n'ose l'être d'habitude en des sujets soumis à l'empire de la coutume et des traditions, Cet aspect est si prononcé que les limites du *zimâm*, celles du *h'awd'* et celles même du fonds de terre reposent en grande partie sur des mesures administratives. Par le même contraste qui s'observe en matière d'irrigation, ces matières qui sont par excellence, ailleurs, le domaine des lois non écrites, sont réglées ici, jusque dans le détail, par l'État : c'est lui qu'on trouve à l'origine de beaucoup des éléments constitutifs d'un paysage où nous verrions volontiers le fruit naturel des temps.

Substrat et caution islamiques

De ces éléments, la plupart se situent aisément dans la chronique du dernier siècle et demi. Ressortissent-ils pourtant, dans l'âme de ces populations, à de l'histoire ? Il n'est pas facile parmi eux de distinguer ceux qui se sont incorporés à l'être collectif, de ceux que repèrent des traces conscientes : souvenirs plus ou moins romancés, relations plus ou moins exactes (1). Encore faut-il faire la part, depuis une génération, d'un processus de connaissance rétroactif, lié au développement de l'instruction primaire dans les villages. Le *nâz'ir*, le *mu'allim*, l'amplification journalistique réagissent sur le passé des villages, dont la tradition populaire n'est plus le seul conservatoire. Enregistrement des faits, élaboration folklorique et réinterprétation moderne combinent leurs effets de façon inextricable. On voit la complexité du problème. Il est actuellement insoluble. Une investigation rigoureuse permettra peut-être un jour de restituer la physionomie exacte de cette évolution, grâce au triple secours des sources étrangères, jusqu'ici uniquement considérées, des archives publiques et des documents locaux, qu'ils soient écrits ou élaborés en folklore.

Pouvons-nous aller plus loin que cet espoir ? Notre enquête,

(1) Il y a, dans quelques-uns des villages que nous étudions, des *mudhakkirât* ou « annales » tenues par tel ou tel lettré. Malheureusement, il n'a pas encore été possible d'exploiter ces sources combien précieuses.

prétendant partir du concret, s'est attachée d'abord à l'interprétation d'un paysage rural. Or, le second grand fait auquel nous achoppons, c'est celui de la continuité islamique. Certes, elle ne ressort pas immédiatement de la toponymie. La grande masse des noms de village remonte à une préhistoire (1) antérieure à l'apport chrétien ou musulman. Mais, à l'intérieur de ces bourgs, que de points de repère !

La campagne du Delta est pavée, si j'ose dire, des grands noms de la culture arabe. La coutume de désigner l'écrivain ou le juriste célèbre du nom de sa localité, nanti d'une désinence d'origine, compose, à l'usage du promeneur érudit, le plus étonnant paysage mental. Une telle érudition n'a pas besoin d'être consciente ou professorale. Dans le tréfonds de chaque habitant, elle est tout simplement fidélité. Beaucoup de ces noms ont franchi les limites de l'Égypte, sont parvenus jusqu'aux confins occidentaux, où ils illustrent telle poudreuse bibliothèque de monastère perdu dans l'Atlas.

Localement, leur densité est extraordinaire. Une quinzaine de kilomètres à peine séparent Bagour, sur la route du Barrage à Alexandrie, de Menouf (2). La chaussée agricole qui unit ces deux agglomérations passe par Sirs al-Layyân, or Al-Manûfî et al-Bajûrî sont des noms qui reviennent fréquemment dans la littérature arabe. A Sirs, énorme bourgade dépassant les trente mille, massive, monumentale et délabrée, comme toutes les bourgades du Delta, pas moins d'une demi-douzaine de célébrités. Al-Kûrânî glosa le commentaire d'Ibn 'Ajîba. Le cheikh Mûsa Nuwwâr fut l'un des membres du conseil constitué par Bonaparte. Ah'mad an-Nuchûqî, *imâm* du Khédive 'Abbâs H'ilmî II, publia un exposé comparatif sur les quatre grands rites. Sâlim Charchâr al-Kabîr, au temps des Turcs, confondit par son indépendance le *defterdar* (gouverneur) de Menouf et le taxa, impunément, d'iniquité : et la légende s'en empare.

(1) Sur ces strates onomastiques, cf. Ch. Kuentz, « Stratification de l'onomastique égyptienne actuelle », *Troisième Congrès international de toponymie et d'anthroponymie*, Louvain, 1951, pp. 292 sq.

(2) 'Alî pacha Mubârak, dans ses *Khit'at' at-Tawftqiyya*, éd. 1305, consacre toujours une part de ses notices aux illustrations islamiques. Cf. par exemple Sirs al-Layyân, t. XXII, p. 18 et Menouf, t. XVI, p. 47.

Toutes les époques se confondent, et paraissent avoir été également riches. Le XX^e siècle a vu sortir de Sirs trois ou quatre savants, *mufti*-s locaux, professeurs d'al-Azhar. Telle était en effet la voie de la grande culture.

De ce legs spirituel, nous connaissons les derniers hérauts, ceux que la critique, le roman, l'usage d'une langue occidentale adaptent à notre propre temple du goût. La génération neuve, qu'elle soit issue de la grande mosquée réformée ou de l'université, a inspiré une toute autre atmosphère, orientée vers d'autres horizons. Son évolution, dirait-on, la coupe du terroir. Mais celui-ci reste fidèle. Par les recettes des sorciers, le traditionalisme des dévots, le folklore encore florissant dans le cœur des humbles, le village égyptien continue son passé fastueux.

Face à face avec ce village, si parfaitement collé à son sol, tellement incarné, si j'ose dire, dans son limon, l'analyse ne peut, sans inexactitude, se refuser à scruter ces souvenirs. Une vingtaine de mosquées, toute une compagnie de saints, des cimetières qui ne se réduisent pas à cette sorte de blokhaus aux tombes exhaussées, maçonnées en demi-cylindre, au voisinage du bourg, mais subsistent au sein même de l'agglomération, parmi et sous les demeures vivantes : tout atteste une solidarité, une authenticité. En cela comme dans le reste, la vie rurale égyptienne se présente comme un tout global aux équilibres étroitement agencés, et composant les précarités de ce monde avec les réussites de l'autre : libres revanches qu'offrait le génie antique aux misères du paysan.

Facteurs économiques d'une psychologie

Un paysage rural, singulier entre tous; une infrastructure musulmane : une nouvelle démarche de l'analyse s'attaquera à une troisième grande caractéristique.

Nul pays ne peut se vanter d'avoir, sur son histoire économique, une documentation chiffrée, suivant à travers les siècles l'évolution du même phénomène. Si ce n'est l'Égypte, où le critère majeur de prospérité, la hauteur de la crue annuelle, a été très exactement noté, année par année, depuis le VII^e

siècle de notre ère. Que de ressources cette continuité offrirait aux partisans de la sociologie mathématique et des représentations graphiques ! Quelle belle courbe pourrait en tirer un Sorokine ! Mais, de ces éléments si commodément chiffrables, la vie n'enregistre que les extrêmes. Les chroniqueurs se complaisent à décrire les années de famine ou de récolte exceptionnelle. L'âme populaire est encore plus sélective, et l'on ne sait au juste comment elle retient, ou plus exactement restitue son passé.

C'est ainsi que, dans la Menoufia, la mémoire paysanne a laissé s'évanouir un fait qui eût dû à tout jamais la marquer : l'inondation annuelle qui intervenait, il y a moins d'un siècle et demi, et cela depuis des temps immémoriaux. Descendant du Caire à Rosette par le canal de Menouf, Volney a observé, fin septembre que — « quoique les eaux se retirassent depuis plus de quinze jours, les campagnes étaient encore submergées en partie et qu'elles portaient, aux lieux découverts, les traces de l'inondation » (1). La vie se partage alors en deux phases : contraction au village lors de la crue, et dispersion sous abris provisoires, lors des travaux agricoles. Ce rythme à deux temps doit influencer profondément les structures sociales comme les psychologies individuelles. Mais rien n'en reste dans le souvenir. Et rien ne reste d'une image pourtant bien vive ; la vacuité d'un paysage rural beaucoup moins riche en arbres qu'il ne l'est aujourd'hui, et que l'eau de crue venait tous les ans uniformiser. Les friches sont alors nombreuses et étendues. La carte au 100.000e de la *Description* connaît presque tous les villages actuels, et même prend soin d'y indiquer une distribution de quartiers qui est, en gros, restée invariable (2). Mais elle figure aussi de vastes espaces inoccupés. Le cadastre de Muh'ammad 'Alî les délaissera en leur donnant toutefois un nom : *ab'adiyya*, auquel s'attache un régime juridique spécial. A ce moment la Menoufia compte 40.000 feddans incultes, contre 200.000 imposés : soit un cinquième (3). On devine que, dans cette nature

(1) Volney, *Voyage en Syrie et en Égypte*, 1787, p. 1, p. 39.

(2) Il y aurait, à cet égard, beaucoup à gagner au dépouillement des Archives de la commission de publication, et notamment du vol. 21.983. Bibl. Nat. (dessins et marchés pour la gravure).

(3) F. Mengin, *Histoire de l'Égypte sous le gouvernement de Mohammed Ali*, 1823, t. II, pp. 317, 443.

moins serrée, le groupe respire plus largement, échappe aux contraintes de publicité et de compression que lui impose aujourd'hui une densité de près de huit cents habitants à l'hectare.

Pendant la première moitié du XIX^e siècle s'ouvre l'ère des grands travaux. Le canal Mah'mûdiyya (1) occupe, dans des conditions très meurtrières, 65.000 fellahs de la Menoufia sur une population de 224.000 : plus d'un quart. Véritable levée en masse. Le terrassement porte sur environ quarante millions de mètres cubes par an, en Égypte (2). Géographiquement, le Delta subit l'un de ces remaniements qui, au cours de l'histoire, ont modifié, par l'œuvre des hommes ou l'action des conditions naturelles, la configuration des canaux et même des branches du Nil. Les canaux traditionnels Sersawiyya et Baguriyya, qui irriguèrent traditionnellement la province ont leur tête reportée au *riyyâh'* Menoufi, que la lente mise en œuvre du Barrage fera fonctionner, par étapes s'échelonnant tout au cours de la seconde moitié du XIX^e siècle (3).

Ainsi s'enfante dans la douleur ce que nous considérons aujourd'hui comme une double révolution : hydraulique, celle qui substitue l'irrigation pérenne à l'inondation par bassins ; juridique, celle qui instaure progressivement la propriété individuelle. La peine est si grande parfois que les autorités morales du temps s'en inquiètent. Les corvées de la Menoufia provoquent un conflit entre le vice-roi et le *sayyid* 'Umar Makrâm (4).

Encore au début du XX^e siècle, un observateur combien expérimenté, l'un des artisans de l'irrigation égyptienne écrit :

« Il ne faut pas s'étonner que les fellahs de la Menoufieh ne viennent pas s'établir sur les terres d'apparence désolée et qu'au bout de longues années malgré leur dur labeur, ils n'arrivent jamais à posséder en propre un seul feddan. Ils restent perpétuellement des machines humaines au profit des propriétaires terriens qui habitent Le Caire et Alexandrie ou

(1) F. Mengin, *Ibid.*, t. II, p. 335.

(2) A. B. Clot bey, *Aperçu général sur l'Égypte*, 1840, t. II, p. 440.

(3) J. Barois, *Les irrigations en Égypte*, 1911, pp. 144 sq. ; J. Mazuel, *L'œuvre géographique de Linant de Bellefonds*, 1937, pp. 128 sq.

(4) F. Mengin, *Ibid.*, t. I, p. 336.

bien au profit du personnel des Domaines et de la Daïra qui s'enrichissent pendant que les travailleurs restent pauvres ».

La corvée a ravagé la vie rurale, pendant tout le XIXe siècle, et la période des grands travaux n'a fait que l'appesantir. Or :

« Quand nous commençâmes à discuter ouvertement la possibilité d'abolir ce système de corvée, il y avait dans le pays un très vieux parti conservateur qui persistait à penser que la corvée était un excellent système remontant à des milliers d'années et que les fellahs eux-mêmes se déclareraient contre son abolition.

» Nubar pacha me pria de sonder les fellahs sur cette question et je me rendis sur le canal de Sersawiyya où une corvée de 15.000 ouvriers était au travail. Je leur demandai ce qu'ils préféraient, de la corvée ou de leur libération en payant une somme d'argent. Par acclamation enthousiaste ils optèrent pour leur libération, et d'un seul élan ces 15.000 ouvriers s'élancèrent hors du canal disant qu'ils allaient au Caire avec moi pour témoigner de leur sincérité. Ils me portèrent en triomphe pendant plus d'un demi-mille, au milieu d'une masse grouillante. Ils se calmèrent enfin et revinrent à leur ouvrage. Nubar pacha et Sir Colin furent enchantés et l'intérêt de lord Cromer s'éveilla » (1).

Le témoignage est précis, et fort instructif, sur le phénomène social et la psychologie des parties contractantes, si j'ose dire. La corvée est officiellement abolie en 1889. Mais la pratique, plus ou moins déguisée, se poursuit jusqu'à la présente génération. Il en est ainsi des grands domaines, successeurs de l'*iltizâm*, et abusivement assimilés à des tenures féodales (2). Pourtant, ces legs du passé sont liquidés l'un après l'autre. l'affranchissement se poursuit. Mais il s'accompagne de phénomènes économiques qui, pour ainsi dire, en rendent le goût amer.

L'un des plus significatifs est sans doute la décadence d'un

(1) W. Willcocks et J. Craig, *Egyptian Irrigation*, 3e éd. 1911, t. II, pp. 810 sq.; W. Willcocks, « Le fellah et sa femme sur les terres incultes d'Égypte », *Bull. Société de Géographie*, VIII, 1912, pp. 172 sq. F. Paponot, *L'Égypte, son avenir agricole et financier*, 1884, cite le rapport d'une commission de 1837 selon lequel la corvée occupe annuellement pendant quarante jours un tiers des hommes de la Menoufia (pp. 25 sq.).

(2) Chafîq Ghorbâl, « Naz'arât ta'rîkhiyya fî'r-rîf al-Miçrî », *Çah'îfat at-tarbiya*, janv.-fév. 1953.

artisanat rural dont on distingue encore les vestiges, sous formes de spécialités villageoises : les carpettes de laine, les mouchoirs de coton ou de soie de Sirs ne donnent sans doute qu'une idée affaiblie de ce que pouvait être une vie plus équilibrée, soustraite à la concurrence de l'importation, et où un circuit se nouait entre les productions paysannes et l'activité manufacturière d'une ville comme Menouf. Dans le troisième quart du XIXe siècle, 'Alî Pacha Mubârak note encore dans cette ville des métiers nombreux (1). Où sont-ils, à présent ? Aux proportions respectives des différents paragraphes de sa notice, on a l'impression que la vieille cité menait encore une vie équilibrée entre la manufacture, transformant les produits du sol, un commerce les répartissant, et l'esprit, représenté par mille ans de production dans les genres traditionnels. Qu'est devenu tout cela ? Menouf (2) connaît à présent la vie d'usine et le commerce d'importation. Sirs n'offre plus que des vestiges du temps où, dit-on, chaque foyer avait son tissage, où la vocation artisanale régnait au point que le feddan de terre s'échangeait pour la pièce d'étoffe : signe de « valeurs » dont la variation dans le temps mériterait une analyse qu'on n'est pas encore assez armé pour entreprendre. Bornons-nous ici à en signaler la nécessité et l'intérêt.

Le village devient donc tributaire de l'extérieur, pour toute une masse de choses dont jadis il n'avait cure. Depuis une génération, le trousseau de la mariée ne s'enorgueillit plus des boucles monumentales, des lourds pectoraux d'or ou d'argent, capital portatif que l'épouse pouvait convertir par la suite en terre et en animaux. En revanche, il comprend de plus en plus des pièces de mobilier. Le goût de l'objet se diversifie et s'étend. Simultanément, le monétarisme envahit l'existence sous la forme du salaire quotidien de l'ouvrier ou de l'employé, ou sous celle de produits de vente. Car le village est devenu fournisseur de coton. La commercialisation emporte tout, désormais, jusqu'aux œufs et au lait dont le pauvre, avide d'argent liquide,

(1) 'Alî pacha Mubârak, *op. cit.*, t. XVI, p. 47.

(2) A Menouf, manufactures de tabac, centrale électrique. A Sirs décortiquage du riz, égrenage du coton.

doit priver son estomac et celui de ses proches. La main-d'œuvre s'expatrie. Des villages comme les deux Qalata sont stationnaires depuis deux recensements. L'équilibre statistique entre les deux sexes se rompt au détriment des hommes, que touche davantage le phénomène. Localement, s'ensuit l'évolution des besoins et des goûts ! Le thé, le café, les stupéfiants absorbent une proportion incroyable, un quart, un tiers, des disponibilités ainsi acquises. Ces produits jadis réservés au riche jouent dans les classes pauvres le même rôle que l'alcool en Europe.

Les moralistes du village sentent confusément le péril : liens familiaux qui se desserrent, solidarités qui décroissent, autonomie toute neuve des jeunes dans le choix du conjoint. Bien qu'il y ait, à coup sûr, progrès économique, progrès des lumières, sans atteinte grave, jusqu'ici, à la morale du groupe, paradoxalement celui-ci en vient à chercher dans le passé, non certes son âge d'or, mais un temps où les gens et les choses marchaient mieux. La propagande réactionnaire des Frères musulmans a certainement beaucoup profité d'une telle attitude : nostalgie d'un passé insituable mais qui se subordonne commodément à des idées de restauration islamique. L'antique tristesse du fellah, au moment même où le sollicite une notion plus active de l'histoire, manifeste comme le regret d'elle-même. Elle avait en effet ses compensations : une densité de travaux et de rites où elle trouvait sa plénitude, la véhémence de tensions internes, etc... suscitatrice d'unanimité, enfin une admirable littérature folklorique.

Le village et l'actualité

Une telle atmosphère résiste à l'externe, au neuf, à l'« anormal », ou du moins à ce qui est jugé tel. C'est dans une telle résistance, non moins que dans la rusticité et dans l'analphabétisme, qu'il faut chercher les raisons d'un fait d'évidence : le peu de sensibilité politique du milieu. Il est fatal qu'une telle attitude se modifie avec ses conditionnements. De fait, elle a commencé à se modifier. Aujourd'hui, la réforme agraire, l'attribution de terres dans la nouvelle province du Tah'rîr, conquise sur les sables, la limitation des loyers, le

syndicalisme agricole sont des moyens sûrs d'émouvoir une millénaire impassibilité. Il est trop tôt pourtant pour que le sociologue s'intéresse à des faits d'une portée puissante, mais par trop contemporains.

Mais que distingue-t-il dans le passé immédiat ? Le fellah, traqué par ses difficultés propres, se dérobe à l'instance générale. S'il s'y engage, de temps à autre, c'est à sa façon impulsive et brutale. Dans la Menoufia, Teta oppose à une colonne française une résistance héroïque (1). Un peu partout, le mouvement de 'Orâbî soulève la participation des masses (2). Plus récemment, une partie de chasse dégénère en massacre d'Anglais (3). Mais cela reste discontinu. La chronique véritable du village est ailleurs. Elle devrait désormais s'écrire en partie double. Car la ville, différente par les rythmes, lointaine par le génie, est quand même constituée d'émigrés ruraux. D'une multitude de gagne-petits, parfois émergent l'avocat, le médecin notoire, le grand fonctionnaire, l'homme politique. La clientèle électorale de ce dernier s'étend naturellement à ses proches. Par là, la vie du bourg est liée à celle du parti. Selon les chances du pouvoir elle en est victime ou bénéficiaire. Je veux dire bénéficiaire en ses notables. Le *wafd* (4), les Frères musulmans, ont noué ainsi — le premier étant l'initiateur — des rapports avec les cantons les plus rustiques.

Et cependant, au sein même du canton, se poursuivait l'existence ancienne de concurrence familiale, de fraude fiscale et de vendettas. La dispute autour de la charge de *'omdè* (5), la lutte entre quartiers et villages, allant parfois jusqu'au meurtre, les démêlés avec l'administration coloraient d'événements individuels, de passions et d'accidents le fond morne de la pauvreté, de l'ignorance et de la maladie. La centralisation

(1) 'Abd ar-Rah'mân ar-Râfi'î, *Ta'rikh al-h'araka al-qawmiyya*, 1948, t. I, pp. 265 sq. Le fait n'est pas isolé.

(2) A. Greiss, « La crise de 1882 et le mouvement Orabi », *Cahiers d'histoire égyptienne*, 1953, p. 74.

(3) F. Charles-Roux, l'*Égypte de l'occupation anglaise à l'accord anglo-égyptien*, 1940, pp. 211 sq.

(4) M. Colombe, *L'évolution de l'Égypte*, 1951, p. 13.

(5) Dont il faudrait bien faire l'historique, en la dépouillant des fallacieuses assimilations au droit communal français qui inspirent les manuels, cf. par exemple 'Uthmân Khalîl, *al-Qânûn al-idâr/*, 1950, pp. 252 sq. L'institution, d'essence

violente (1), l'absence de vie municipale à l'échelon du bourg, soumettent l'homme de la terre à des tribulations, contre quoi il ne peut se défendre que par la solidarité de groupe *'açabiyya*, ou par un statut de clientèle. Pour l'essentiel il se réfugie dans son quant-à-soi, presque impénétrable au citadin, indéchiffrable même à l'émigré, passées une ou deux générations. Contre les fléaux sociaux, l'action de l'état ne devient insistante que depuis une quinzaine d'années. Elle s'accentue, dans la période présente, d'initiatives systématiques des *Rijâl ath-thawra*, dont plusieurs sont originaires même de la Menoufia. Mais, dans un passé encore récent, celui de l'entre-deux guerres, l'archaïsme du tableau n'était encore tempéré d'aucun réformisme tangible. Je renvoie là-dessus aux pages peut-être partiales, mais émouvantes, d'un roman dernièrement paru : tour d'eau confisqué par le grand domaine, collusion entre le *'omdè*, agent électoral, et le politicien majoritaire. Le tout dans un contexte de souffrance et de passion rustiques (2).

* * *

On entrevoit ainsi comment, depuis un siècle et demi, dans un cadre millénaire de civilisation rurale, les facteurs économiques puis politiques ont agi et agissent avec une intensité croissante. Cependant les monographies régionales et locales sont encore trop rares pour qu'on puisse retracer sans interpolation les vicissitudes d'un progrès coûteux, mais sûr, vers plus de liberté. La conquête de l'histoire n'est pas achevée pour le village, et il a encore du chemin à faire avant d'atteindre une initiative à la mesure de son héritage magnifique et de sa longue peine.

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fiscale, se comprend mieux par comparaison avec celle (résiduelle) du *cheikh al. balad*. Cf. Couvidou, *Étude de l'Égypte contemporaine*, 1873, p. 298, qui oppose ces deux personnages.

(1) Critiquée réalistement, de même que les collusions entre les *latifundia* et le Parlement, par nombre d'essayistes égyptiens. Citons parmi les plus clairvoyants Ibrâhîm Madkûr et Marrit Ghâlî, *al-Adâ al-h'ukumiyya*, 1945, pp. 85, 214 sq.

(2) 'Abd ar-Rah'mân ach-Charqâwî, *al-Ard'*, 1954, et t. II, 1955.

THE ISLAMISATION OF JAVA

I

When Snouck Hurgronje, having served the Government of the Netherlands Indies for more than seventeen years as adviser on questions of Islām and Indonesian cultural life, was appointed to the chair of Arabic in the University of Leyden, he took up his duties by giving an inaugural lecture on Arabia and the East Indies. The relations between these two countries, he said, are not as old as is often believed. We have evidence from the 17th century that the Javanese completely misunderstood the position of the authorities in Mecca, and that the Arabs were not even aware of the existence of Java and Sumatra. In this connection the author was confronted with the question of how the Indonesians received Islām, as Muslims are reported to have been in Indonesia as early as the 14th century. Snouck Hurgronje pointed out, in answer to this question, that Sumatra and Java got acquainted with Islām through contacts with traders from India, as is shown by the form of Muslim words in Indonesian languages and by typically non-Arab features in the Muslim stories which found their way to Indonesia. The traders were not conquerors, but family-builders : they wanted wives, and they wanted them Muslim ; wars against unbelievers in the interior of the country started only after the harbour-towns had become centres of Islām as a result of peaceful expansion (1).

(1) VGGS 4, 2, 99 ff. ; cf. *ib.* 4, 2, 227 ff.

Though Snouck Hurgronje felt obliged to admit that no reliable native documents were available, as the Indonesian stories about the rise of Islām in his opinion had been written many years after the conversion of the people concerned, yet he did not hesitate to launch his theory, which he found confirmed by the fact that this process of peaceful penetration was still going on. With regard to the period after contact between Arabia and Indonesia had been established, Snouck Hurgronje mentioned cases in which Muslim foreigners had succeeded in being appointed to high office at some Indonesian court, or even in founding kingdoms, and he pointed out that *faqīh*'s from Ḥaḍramawt sometimes exerted considerable influence in Indonesia by teaching and by writing treatises on questions of Muslim law. Speaking of the earlier centuries, he did not consider the possibility that the founders of Muslim communities might have been not primarily merchants in search of suitable wives, but people of the type born to rule in search of an opportunity to exert power. It is evident, however, from Snouck Hurgronje's subsequent books and articles (1) that the difference between merchants, colonists and fortune-hunters was more or less irrelevant to him, the main point of his argument being that the penetration of Islām in Indonesia was a peaceful one because of the attractiveness of the new religion to the Indonesians as a culturally inferior people, even in Java where Hinduism had played a part for many centuries (2).

Among the dissertations which have been written by Snouck Hurgronje's pupils under his supervision, Schrieke's thesis of 1916, a treatise on one of the oldest Muslim texts of Java which Javanese tradition ascribes to *sunan* Bonang, one of the nine ' apostles ' of Javanese Islām, is especially interesting in this connection (3). In the introductory chapters Schrieke points out that conversion to Islām in Indonesia, though often the result of contact with merchants, sometimes resulted from

(1) VGGS 4, 2 ; 233, 240 and 242 f.

(2) VGGS 4, 2, 241 f. : « ...dans ce pays plus ou moins hindouisé, la majorité de la population pouvait être tentée de chercher à sortir de son état d'abaissement en s'adressant à l'Islâm ».

(3) SBB 39 ff.

marriage alliances between Indonesian courts, when one of the two parties was a Muslim ; thus the first king of Pasay is said to have married a Muslim princess of Pĕrlak, and shortly afterwards a king of Malacca is said to have accepted Islām, as his bride was a princess of Pasay (1). The connubial relations within the empire of Majapahit and its dependencies also played a role, according to Schrieke, and he refers to the story of *sunan* Bonang's father, *sunan* Rahmat, who is said to have come from Campā and to have acquired a high position in Surabaya after his marriage with a Javanese girl of noble birth. In connection with Java Schrieke further points out that the importance of Malacca as a centre of interinsular and international trade implied the presence of a large number of Javanese merchants in that town ; these merchants once having become Muslims facilitated the Islamisation of the Javanese at home, as the merchants were zealots and the Javanese at home preferred Islām to Hinduism because of their fiery temperament and their self-consciousness in the period of Java's greatest expansion (2).

Schrieke then proceeds to work out a theory concerning the Islamisation of Java in connection with its place in Javanese history, for Snouck Hurgronje had restricted himself to the remark that the fall of the empire of Majapahit in or about 1518 A. D. had marked Java's complete conversion to Islām. Schrieke's review of the available material shows that a Muslim colony of foreigners, Chinese as well as people from Western countries — which means in this case : from India —, existed in Java as early as 1416 A. D., and that the first towns to accept Islām were Tuban and Grĕsik ; in 1597 the interior of Java was still heathen, but the odds were definitely against the old religion from about 1535 on. Because of a note in which Schrieke explained his reason for choosing this year 1535 and

(1) SBB 2 and 4. Pasay and Pĕrlak are towns in the Northern part of Sumatra.

(2) SBB 15. Schrieke thinks of a psychology of conversion which is quite different from what Snouck Hurgronje suggests (cf. above, p. 112, n. 2), but his argument is not convincing. He also overestimates the value of the story about *sunan* Rahmat ; the princess of Campā lived in Majapahit from 1294 to 1350.

at the same time commented upon the question of Majapahit's fall, we may suppose that he silently corrected Snouck Hurgronje, as this last had connected the fall of Majapahit in or about 1518 with an instantaneous and complete victory of Islām (1). Schrieke confines his attention to the Muslim coastal towns which according to his opinion must have begun to put pressure on the heathen capital about the year 1450 ; at that time, he says, the central power must have been weak, as appears from information contained in the *Pararaton* (2), information which concerns the kings of Majapahit between 1429 and 1456. The Javanese tradition, he concludes, is almost valueless, but its story about *sunan* Rahmat and his aunt, the princess of Campā, confirms the theory that Islām began to be a real danger to the central court towards the middle of the 15th century (3) ; the evaluation of the Javanese tradition which we encounter here, is clearly dependent on Snouck Hurgronje, and it is evident from the structure of this part of Schrieke's book that he gives priority to foreign sources.

Van Leur's book (4) on the ancient Asian trade, written in 1934, is in many respects an interesting treatise, but it is not primarily concerned with the problem of Islamisation. Van Leur's aim was to visualize the details of the economic relations between the nations of South-East Asia from a technical and economic point of view ; he was inclined to think, and not unjustly, as a matter of fact, that the philologists who had been working in this field were liable to overlook essential features of the situation. The merchant in the international trade of South-East Asia before 1800, he says, was not at all the type of man to transfer Hindu civilisation to Java, and though Islām is quite different from Hinduism, we are mistaken if we regard the Muslim merchants as socially important ; we must drop, therefore, the theory that the Javanese were converted

(1) VGGS 4, 2 ; 202, 227 and 361. SBB 31.

(2) SBB 36 where the author quotes Rouffaer. The contents of the *Pararaton* will be discussed in section II.

(3) SBB 37 ; I have replaced Schrieke's « cousin » by « aunt ».

(4) LAH.

to Islām in order to be admitted to a superior society, as the merchant's real ' opposite number ' was the Javanese lord who owned the ships, the money and the power. Important in the process of Islamisation was the conversion of this lord, and in order to explain that conversion, van Leur accepts without reserve Schrieke's tentative suggestion that political factors had been operating as well ; in van Leur's opinion they were predominant. It was these, according to van Leur, which brought about, more or less automatically, a favourable attitude of the Indonesian princes towards Islām, although their reaction to the presence of Muslim foreigners had been negative in the preceding centuries. These political factors were as follows : 1° the advance of Islām in India, leading to the Mogul empire and a sharp decline in the export of Brahman knowledge of rites and administration ; 2° the growing animosity between the Indonesian coastal lords and the peasant kings of the interior which drove the coastal lords into the arms of Islām ; 3° the collision between the Portuguese and the Muslim traders in South-East Asia, especially after the Portuguese had captured Malacca in 1511.

We find all the elements of van Leur's argument in Schrieke's thesis of 1916, but van Leur rightly suggests the importance of the order in which the different events occurred. It was the changing situation in India which influenced the Indonesian kingdoms on both sides of the Straits of Malacca in the 14th century ; the Javanese coastal lords had their own reasons for welcoming the new doctrine ; the arrival of the Portuguese seemed to justify the conversion of the coastal lords and led to new conversions. The advantages of this theory as compared with Snouck Hurgronje's view are obvious ; it makes Snouck Hurgronje's explanation a partial one, though not necessarily a wrong one, and it explains why some Javanese princes wanted to enter into negotiations with the Portuguese to further their own interests (1). The broader scope of van Leur's theory, however, gives us the possibility of integrating to a much wider extent the history of South-East Asia into the history of the

(1) VJ 1, 277 ; HJG 461.

world. The Portuguese and the Muslim traders were sworn enemies because of the Iberian peninsula's struggle, for 750 years, against Islām, and Portuguese maritime expansion had followed on the capture of Constantinople by the Muslims in 1453, which in its turn cannot be detached from the history of the Crusades, etc. The coherence of the Muslim nations which finds its expression in the annual meeting at Mecca, guaranteed that rumours of the Iberian war reached Indonesia long before the arrival of the Portuguese ; the ideas ' Portuguese ' and ' enemy ' must have grown associated in the stories told in the Asiatic harbour towns. Moreover, a common front towards the unknown enemy on the basis of common fear and common religion may have been a not entirely new fact in the history of Indonesia ; we have reason to believe that the advance of the Mongols in China and especially the fall of the Sung dynasty in 1275 had resulted in co-operation between the kingdoms of Campā, Malayu and Singasari towards the end of the 13th century, on the basis of Tantric Buddhism (1).

II

We have seen in the preceding section that Snouck Hurgronje mistrusted the stories about Java's Islamisation which were told by the Javanese themselves ; they were, in his opinion, childish and without order or chronology, and if he derived from this kind of literature his notions about the fall of the Majapahit empire and the rise of Islām, it must have been on the assumption that the Javanese would not carry vagueness to such a point as to neglect this main fact of Javanese history. The result obtained by his pupil Djajadiningrat who wrote a thesis in 1913 on the chronicle of Bantĕn, his home in the narrower sense of the word (2), must have confirmed him in his opinion. In the last chapter of his book Djajadiningrat refers to the lack of knowledge of ancient history amongst the authors

(1) HJG 333 ; Ind. 4, 483 ff.
(2) BSB.

of the Javanese chronicles, and he explains it by pointing out that the barrier which separated Majapahit from the Muslim period as well as the believers' different orientation prevented them from giving a reliable exposé. In the final sentence of his book Djajadiningrat shows himself a worthy pupil of the great inspirer of new methods in Dutch colonial policy who often stood up for the rights of the Indonesians. It may be true, Djajadiningrat says, that a comparison of the Javanese historiography and the historiography of the European Middle Ages turns out to be advantageous to the latter, still the parallel we have a right to draw between both literatures makes it clear from which point of view we ought to appreciate Javanese historiography : the point of view to be taken in each case of contact with a phenomenon which is foreign to one's traditional standard of values, and to be expressed by the formula *non ridere, non lugere, neque detestari, sed intelligere.* I do not object to this appeal, of course, but it goes without saying that the slogan would not have been quoted by one who is proud of the achievements of Javanese historiography.

According to the sacred tradition of the Javanese embodied in the *Babad Tanah Jawi* (1), the king of Campā in Further India who reigned at the time when Gajah-Mada was chancellor of the Javanese kingdom of Majapahit, had two daughters one of whom was given in marriage to Bra-Wijaya, king of Majapahit, whereas her younger sister married the foreigner Makdum Brahim Asmara who had induced the king of Campā to become a Muslim. When Makdum Brahim Asmara's eldest son had grown up, he went to Java in order to visit his uncle, accompanied by his younger brother and a cousin. In Java the three princes married Javanese girls of high descent ; Rahmat settled down in Ampel-Dĕnta, a part of the modern town of Surabaya, his younger brother and his cousin took up their residence at Grĕsik, a few miles to the North of Surabaya. Some years later, when Rahmat had become a well-known Muslim teacher, he was visited by a *seh (shaikh)* from Juldah, Wali-Lanang

(1) Several editions, the last one in 1941, together with a Dutch translation by W. L. Olthof, The Hague 1941.

by name, who wanted to discuss with him some questions of secret knowledge. After this visit Wali-Lanang went to Blambangan, the part of Java which is nearest to the Bali Straits. In Blambangan Wali-Lanang cured the king's daughter who suffered from a mysterious disease. A marriage was the result, but when the king of Blambangan refused to accept Islām, Wali-Lanang left his wife and returned to Malacca. As calamities befell Blambangan after his departure, the king got afraid of the child with whom Wali-Lanang's wife was pregnant, and he ordered it to be exposed after it was born. The child survived, however, because it was found by a merchant who gave it to his employer, a widow living in Grĕsik. In the course of time the boy, *santri* Giri, went to study under Rahmat and learned to recite the Qur'ān together with Rahmat's son *sunan* Bonang. The most distinguished amongst Rahmat's pupils, however, was *raden* Patah, Bra-Wijaya's son by his second wife who had been divorced before his birth ; Patah was born in Palembang, Sumatra, but as soon as he had grown to be a young man, he returned to Java. After his conversion to Islām he refused to serve the king of Majapahit, his father, and at the suggestion of Rahmat he founded a new settlement in Central Java, at Dĕmak, which then developed into a centre of Muslim activity. Summoned by Bra-Wijaya to appear at the court and to pay the normal homage to the king, Patah did not obey, because the king of Majapahit was an unbeliever. Thus forced to rebel against Majapahit, Patah, in alliance with Rahmat and his friends, raised an army of Muslims and conquered Majapahit whose king ascended to heaven at the moment of his son's victory. In order to purify Majapahit from the stain of heathen kingship *santri* Giri's son *sunan* Prapen had to occupy the throne for forty days. After this period of purification Patah ascended the throne, but he preferred to reside in Dĕmak ; under the name Senapati-Jimbun Ngabdurrahman Panĕmbahan-Palembang Sayyid-Din Panatagama he became the first Muslim king of Java, and from his residence Dĕmak the new religion started its triumphant expansion (1).

(1) Dĕmak is a town on Java's North coast, near Sĕmarang. *Patah* (from Arabic *fatḥ* ' victory ') means ' conqueror ', sc. of Majapahit.

Apart from the detail of Bra-Wijaya's ascension to heaven, this story about the rise of Islām in Java is not particularly fantastic. The *Sĕrat Kanḍa* (1) contains a slightly different version, according to which the war of the Muslims against Majapahit lasted for more than eighty years. Now it is possible to demonstrate, by analyzing other parts of the text, that the *Sĕrat Kanḍa* version of the story about Java's conversion to Islām is younger than the corresponding story of the *Babad Tanah Jawi;* it seems that several generations had the opportunity of embellishing the original text with interesting details. However, the chronological data contained in the *Sĕrat Kanḍa* do not owe their existence to fantasy, but to calculation based on comparative studies. According to the *Nāgarakrtāgama*, a poem completed in 1365, Gajah-Mada had been chancellor of Majapahit from 1331 to 1364 ; according to the *Sĕrat Kanḍa* he had been appointed to be chancellor in 1348 so that the author was not far wrong. As an old tradition (2) fixed the fall of the Majapahit empire at the end of the 14th century Çāka, i.e. in 1478 A. D., the conclusion that the war between Bra-Wijaya and *raden* Patah had lasted for about a century was logical, in a way. It is true that the author of the *Sĕrat Kanḍa* had to believe that Bra-Wijaya had lived for about 150 years, but this age was not less probable than e.g. the story contained in the sacred tradition according to which *santri* Giri after his death had destroyed a Majapahit army by sending swarms of bees against the enemy.

The first European scholars who were interested in the history of the Javanese consulted, of course, the Javanese tradition. For them the only possible procedure was to reject such details as were intrinsically incredible, to reserve their judgment when different sources provided contradictory information, and to accept, for the time being, those stories which were not intrinsically incredible or in conflict with other information. The empire of Majapahit is mentioned in Malay as well as in Javanese

(1) ' The Book of Stories ' ; an excerpt is published in Par. 188 ff.

(2) Cf. the argument sub IV. The same tradition occurs in the *Pararaton*, though in an entirely different context.

chronicles, whereas the growing influence of Islām is stated in the reports of Ma-Huan (1) and subsequently by the Portuguese (2). The story about the victory of the Muslims in 1400 Çāka or 1478 A. D. which put an end to the heathen kingdom of Majapahit seemed, therefore, reliable, at least in its outlines. Thus Veth, for instance, who published the first volume of his book *Java* in 1875, gives a description of the ' transition period ' which is mainly dependent on the *Babad Tanah Jawi.*

Brandes, a man who is entitled more than anybody else to be called the first genuine student of ancient Javanese civilisation, became interested in the Javanese chronicles soon after his arrival in Batavia in 1884. He made a thorough study of the literature of the Mataram period of Javanese history, and was lucky enough to discover two books of the Majapahit period on which our actual knowledge of the Middle-Javanese civilisation — from the 11th century onwards — largely depends, viz. Prapanca's *Nāgarakrtāgama* which deals with various questions concerning the dynasty of Majapahit, and the *Pararaton*, a mythical story about the founder of the dynasty of Singasari followed by notes on important persons and events in the period between 1222 and 1481 A. D. Before his study of the *Pararaton*, which was published in 1896, Brandes was not quite but almost in the same position as Veth had been ; he had no reason to mistrust the tradition contained in the *Babad Tanah Jawi* about the fall of Majapahit, and he ascribed the absence of ancient books in Java, as opposed to the wealth of ancient Javanese literature in Bali, as a matter of course to the devastating effect of the war between Hinduism and Islām, a war that spared Bali where the ancient creed largely survives to the present day. It was natural of Brandes, and even a clever achievement on his premises, to explain the structure of the chronicles of the Mataram period by suggesting

(1) The contents have been known since W. P. Groeneveldt's « Notes on the Malay Archipelago and Malacca, compiled from Chinese sources », VBG 39/1, published in 1876. Cf. HJG 29 and J. J. L. Duyvendak, « Ma Huan Re-examined », VAWL-NR 32/2.

(2) The Portuguese sources have largely been used since Rouffaer's article in BKJ 50, 111 ff. Cf. HJG 32 f.

a gradual evolution of poets' manuals into collections of stories, which finally acquired the appearance of a survey of Javanese history when the extent of the collection forced the poets to apply a principle of arrangement, viz. chronological order; chronology in the *Babad Tanah Jawi* is, therefore, in Brandes's opinion a product of coalescence, not an original feature which had characterized this book from its beginning. Unfortunately, Brandes did not reconsider the validity of his theory when he was preparing the text of the *Pararaton* for publication, and in a moment of confusion he must have added an obsolete manuscript of his on the origin of Javanese historiography to the edition of the *Pararaton*, without seeing the necessity of putting the preliminary question whether, perhaps, the author(s) of the *Babad Tanah Jawi* fed on the same ancient tradition as Prapanca had done in the 14th century.

Brandes was Snouck Hurgronje's intimate friend for about fifteen years; he died in 1905, shortly before the latter returned to the Netherlands. It goes without saying that the two friends had discussed the question of Java's Islamisation, Brandes bringing to the discussion the data provided by Javanese literature, and Snouck Hurgronje the arguments reviewed in the preceding section; only this assumption explains, as far as I see, why Snouck Hurgronje omitted to mention sources in his pages on the history of Java's transition to Islām. In the same way Djajadiningrat, not contradicted in this respect by his teacher, upheld the theory of a cleavage in the continuity of Java's cultural life owing to the introduction of Islām; he knew the Javanese tradition, he knew Brandes's theory and he knew that Snouck Hurgronje held the same view as Brandes, and not being a student of ancient Javanese literature himself he was not in a position to find out the flaw in Brandes's argument. Hazeu, the first Javanist in the Leyden chair of Javanese, repeated Brandes's as well as Djajadiningrat's arguments in his inaugural lecture of 1921; small wonder, therefore, that Krom, the author of *Hindoe-Javaansche Geschiedenis*, states in the final paragraph of his book, that Hindu-Javanese history ended at the moment when the government which had been carried on for more than a thousand years

by hinduized kings, came into the hands of Muslims. In those days the idea that Java's history consisted of two disconnected parts was so strong that the Royal Decree of 1921 which modernized the programmes of university studies in the Netherlands, sharply distinguished between the study of ancient Java and the study of the last few centuries (1).

It is interesting to note that neither Brandes's fundamental error in the field of Javanese historiography nor its canonization by Krom has prevented the ethnologists from regarding elements of Javanese culture as products of a continuous evolution. Rassers, for example, found it of no importance at all whether he was dealing with an element of Hindu-Javanese culture in his thesis on the Panji story, or with more recent materials in his articles on the structure of the Javanese theatre and its répertoire (2). De Josselin de Jong, too, stresses the essentially Javanese character of Javanese culture as an entity (3). That the students of Javanese history and civilisation have been slow to detect Brandes's and Krom's error and the misconception of Javanese historiography behind it, is probably due to the fact that the contents of the more recent Javanese books on history had been declared childish, so that the very few people who had a sufficient knowledge of the language to use it for comparative studies in the field of Javanese historiography, abstained from performing a task which seemed hopeless from the outset (4). As to myself, I started to read stories from the *Babad Tanah Jawi* with my students only because we had at our disposal an abstract in prose whose simple language rendered the book suitable as a text for beginners ; and thus it gradually dawned upon me that I had been wrongly informed about the value of this book and its place in Javanese civilisation (5).

(1) HJG and ONJL.

(2) RP ; BKI 81, 311 ff. and 88, 317 ff. ; GKI 222 ff.

(3) MAES, especially 18 ff. The author does not mention LAH, though this was published in 1934.

(4) In the preface of his anthology of modern Javanese prose (Leiden 1946) Drewes even gives the impression that he considers the student's familiarity with the *Babad Tanah Jawi* of small importance.

(5) In the last years of his life Schrieke gave much attention to the background of Javanese historiography. His views will be published in ISS 3.

As far as I know up to now, no book in Java has been written for the purpose of recording historical facts prior to the 18th century ; I do not say that the 18th century witnessed the appearance of such books, but Drewes, in an article of 1939, seemed to be inclined to accept this possibility, and so far I see no specific reason to deny it (1). As far as the literature up to 1700, inclusive of inscriptions of a non-pragmatic character, is concerned, it never serves in itself to describe the present or to picture the past. Such activity would have been irreconcilable with the function of Javanese literature as an instrument of priestly magic and with the pre-scientific attitude of mind to which even Java's gifted scholars and poets were subject as long as the road to the legacy of Greece was unknown or closed to them. The object of the ancient Javanese priests was to regulate the existence of kingship, and to this purpose they sometimes had to determine the course of future events, sometimes to change the facts of the past, and sometimes to mention current questions in connection with either the past or the future ; Javanese literature may have been produced for sheer pleasure, but then each rite as an element of symbolic behaviour gives the performer profound satisfaction and is, therefore, liable to turn into an act of sheer pleasure (2). It can be shown that in Java imaginary genealogies have been constructed, that dates have been changed, that virtue has been substituted for sin and that victories have been invented in order to benefit the sacred activities of the king. The *Nāgarakrtāgama* which I mentioned above was written, in my opinion, in order to add two kings to the official list which had prevailed from 1331 to 1359, because in this last year Prapanca had found their names in the *Pararaton* and saw a way to connect the new ' ancestors ' with two ancestral temples (3). If we accept the ethnologists' point of view mentioned above, there is no reason whatsoever to think that the *Babad Tanah Jawi* sprang from a conception

(1) D 19, 249. Drewes's opinion seems to be based on Brandes's remark in TBG 32, 371, which, however, refers to the *Babad Tanah Jawi*.

(2) Cf. Ernst Cassirer, « An Essay on Man ».

(3) Cf. MAWL-NR 14, 121 ff. (provisional).

of royalty and priestly duties totally different from what was usual in the days of Prapanca. As soon, then, as we find that the structure of the *Babad Tanah Jawi* proves the poet's familiarity with Majapahit traditions to a much larger extent than Brandes and Djajadiningrat believed, we have gained a positive argument to vindicate the *Babad Tanah Jawi* from the charge of childishness.

And this is indeed the fact ; we have arguments at our disposal to show that the authors of the earliest versions were acquainted with Majapahit literature as well as the subsequent oral tradition, though they were unable, of course, to diagnose the nature and the peculiarities of the process of evolution to which social phenomena are subject (1). It is true that Snouck Hurgronje does not mention the *Babad Tanah Jawi*. It is also true that popular imagination did add, in the course of time, many stories to the priestly texts, stories which make a European reader laugh until he remembers the final sentence of Djajadiningrat's book. But if we judge Christianity by the Gospel and not by the story of Santa Claus, and if we judge Islām by its sacred literature, though we recognize deviations from the ideal as normal facts, we must judge the Javanese conception of the royal function, past and present, in the same way : by the official productions of their priestly magic, and not by the popular variants told in the villages, though the latter deserve attention as well, from a different point of view. We must, therefore, take the official story about Java's conversion to Islām seriously and not misinterpret it as a product of childish phantasy ; but at the same time we must approach it from an angle entirely different from that which has prevailed so far. This last statement implies that our question is not : What does the author or his informant know about the period of Java's transition to Islām ? It must be : What was the author's purpose when he deliberately combined a story about the rise of Islām in Java with the existing tradition about the kingdom of Majapahit ?

(1) Cf. the present author's three articles which will be published in the course of 1955, in Ind. 8.

III

Agung, the first king of Mataram, was undoubtedly a Muslim in the Javanese sense of the word. From a report, written in 1622 by Dr de Haen, one of the first ambassadors of the Dutch United East-India Company to the court of Mataram, we know that the king used to visit the mosque on Friday and that he observed the fast of Ramaḍān, because he did not start an expedition against Surabaya before the first of Shawwāl had passed (1). Nevertheless, the author of the *Babad Tanah Jawi* calls Agung a descendant of the last king of Majapahit without calling him a Muslim. If the list of Agung's ancestors were reliable, we should have had to accept the fact of his connection with a heathen dynasty without comment, or we should have said that, after all, it was not his fault. But it is obvious that the list is not reliable at all. According to the author of the *Babad Tanah Jawi*, Agung's grandfather's grandfather's grandfather had been the son of Bra-Wijaya II and of a woman from Wanḍan with whom the king had been advised by a mysterious voice to have intercourse in order to get cured from a deadly disease (2). The meaning of this story is clear, if we realize that the disease was the waning power of Majapahit's last king a few years before his ascension to heaven, and that the woman is a variant of the princess of the flaming womb who was the ancestress of the kings of Singasari and Majapahit in Eastern Java as well as the ancestress of the Dutch ' kings ' in Western Java (3). There is no reason, of course, to regard this story as historical, and if there were, we should be made suspicious by a story further on which makes the son of these two parents marry the daughter of a goddess who had been captured by his father - in - law when she was taking a bath in a lake on Java (4). But if these stories are

(1) JONG 4, 298 ff. and 4, 312.

(2) In Javanese *rajasinga*. In our days this word means ' syphilis ', but in *Babad Tanah Jawi* 23,30 it must mean ' impotence '.

(3) Cf. the article mentioned above, p. 123, n. 3.

(4) There is reason to believe that the story was duplicated ; the original version probably made Bra-Wijaya's son capture the goddess himself.

either purely imaginary or applied myths, then Agung's genealogy must be forged, and if it is forged, why then did the author prefer to make Agung a descendant of the last king of Majapahit rather than to honour him as a descendant of Muḥammad or some other great figure in the history of Islām ?

Properly speaking, we ought to have put a slightly different question first, viz. : Why did Agung want a list of ancestors ? It has been suggested that the story about the first king of Dĕmak in the *Babad Tanah Jawi* served to legitimize his dynasty and to stress the continuity of royal power ; ' in order to make this continuity clear, the relationship between the Muslim rulers and the heathen kings is not concealed, as might be imagined, but rather stressed, and perhaps even invented ', says Krom in HJG 464. Indeed, we should have expected the author to be less communicative if the story about Patah had historical value and if the theory about the cleavage between ' Hindu-Javanese ' Majapahit and the later ' Muslim ' kings were true ; it is inconsistent to accept the theory of cleavage and to believe at the same time that the Muslim kings wanted their relationship with Majapahit to be known by their subjects. It is evident from the preceding section that in my opinion the cleavage theory is untenable. Rejection of this theory, however, does not necessarily mean conversion to Krom's point of view. This last would be satisfactory, perhaps, if the story about *raden* Patah had been written by a court poet of Dĕmak. It is true that Mataram, according to the *Babad Tanah Jawi*, in its turn succeeded Dĕmak and that Patah's dynastic position, therefore, concerned Mataram as deeply as Dĕmak. But it is also true that a good link between Majapahit and Dĕmak would be of no use to Mataram, if the link between Dĕmak and Mataram were too weak. As a matter of fact, the story about Mataram becoming the legal heir of Dĕmak is not particularly convincing : Senapati, Agung's alleged grandfather, is said to have been given Dĕmak and its dependencies by *ratu* Kaliñamat, the last member of Dĕmak's royal family, after Senapati had slain the prince of Jipang, their mortal enemy ; the flaw in the story is that Senapati is said, by the author himself, to have been a mere child at the time of his victory and his father

to have ceded the reward to the prince of Pajang. Is it probable that Agung's poet wrote the story of Agung's descent from Bra-Wijaya II because of the weakness of the second link ? Certainly not. We are dealing here with *forged* stories whose meaning we are trying to find out. If the author had seen the flaw in his argument, he would have improved the solidity of the second link; manipulating the royal genealogy was not a question to be trifled with. We must come to the conclusion, therefore, that neither the theory of cleavage nor Krom's variant is satisfactory.

On the other hand, it is no use to deny that the story of Patah in itself betrays the poet's desire to depict his dynastic position as a legal one. Why, then, is the story of how the royal power of Dĕmak was transferred upon the kings of Mataram so queer ? The answer is : because it is roughly identical with the story about Singasari's replacement by Majapahit towards the end of the 13th century, but it was blended with myths of different origin, and that is what made it look queer in some respects. This means, of course, that the story of Dĕmak's replacement by Mataram which, in a historical context, could have been at the same time the story of the spreading of Islām, was not based on facts at all ; it is essentially allegorical, though the allegory it contains is a rather specific one (1).

Javanese historiography developed out of functional literature, and the latter was based in Java — as elsewhere — on the idea of the creative power of the divine word, though we must take into account that ' divinity ' in India and ancient Java had a broader meaning than among the Jews and the Arabs. In ancient Java the priest was supposed to be able to shape the current of events by creating the corresponding verbal picture, in accordance with his mood or his task. As his task at the royal court was to guarantee the prosperity of the king and the country, it was up to him to remove irregularities by incantations and to substitute the reality of his verbal picture for the reality of sense perception, if this last were unacceptable for some reason or other. Magical language has its own features

(1) For detailed argumentation see the articles mentioned in n. 1 on p. 124.

all over the world, as is shown in our days by its successor, poetical language. The Javanese incantations contained a lot of Sanscrit words or were even written in Sanscrit in the more difficult cases; other characteristics were the use of Indian metres, chronograms and allegories (1). As to the allegorical form, the idea certainly was that sacred literature was an adequate medium for describing fictitious situations. On the other hand, it is essential for such poems that the contents should be linked somehow with the actual situation, in order to direct the priest's power to the object he has in view. For this purpose the author inserts in his poem one or more identificatory stanzas which explicitly mention the person, the situation and sometimes also the date in question; such stanzas often constitute the beginning of the poem, in particularly intricate language. As specimens of this kind of literature I refer to the poem *Arjunawiwāha* ('Arjuna's Nuptials') which runs parallel to a Sanscrit poem of 1041, in honour and to the benefit of the usurper Erlangga, and to the poem *Bhāratayuddha* ('The War of the Bhāratas') which runs parallel to the Sanscrit epic *Mahābhārata*, but was written in 1157 A. D. in connection with some mortal sin of the usurper Jayabhaya (2).

The Sanscrit poem of 1041 ascribes to Erlangga a series of ancestors the first of whom was a certain Sinḍok, mentioned in inscriptions of the first decades of the 10th century. In the course of time this alleged ancestor's name changed into Angrok, in a popular myth about a *homo novus*, which in its turn served as an allegory in the 13th century when Wiṣnuwardhana had founded the dynasty of Singasari, about 1250; in the poet's vision this Wiṣnuwardhana was the Angrok of modern times. The myth of Angrok contains an introduction which may have been the original identificatory element, and when the text was made into an allegorical story in honour of the contempo-

(1) In Javanese literature a chronogram is a sentence consisting of words which represent numerals. When the sentence is read from the right to the left and the corresponding numerals substituted for the written words, one finds the number of the Çāka year concerned.

(2) Translated into Dutch in BKI 82, 248 ff. and in D 14, 1 ff., respectively. The poem of 1041 was published and translated by Kern; cf. VG 7, 83 ff.

rary *homo novus* Wiṣnuwardhana, an identificatory element pertaining to him had to be added, which was possible only if the second element was placed at the end of the book. This detail, however trifling in itself, grew important in the following century, in the first place because the occurrence of Wiṣnuwardhana's name at the end of the book proved to be an invitation to the readers to add further historical notes so that the identificatory element soon developed into a chronicle, and in the second place because Prapanca, when he happened to read the Angrok-myth in 1359, received the impression — because identificatory elements *normally* occur at the beginning of a poem — that Angrok had been Wiṣnuwardhana's grandfather. Now, if that were the case, some official rites of the 14th century whose performers had believed Wiṣnuwardhana to be the first king of Singasari, would have been performed on the basis of what Prapanca thought to be a wrong supposition, and for this reason he restored order to what he thought to be a corrupt genealogy by writing his poem *Nāgarakṛtāgama* which contains the ' complete ' list of the kings of Singasari and Majapahit, inclusive of Wiṣnuwardhana's father and grandfather (1).

In the 17th century the innovations of the 14th century were no longer known as such. The author of the *Babad Tanah Jawi* was acquainted with the tradition of dealing with sacred matters in the form of an allegory, but he also knew that initial stanzas should be written in intricate language, that a characteristic of the *Pararaton* was the combination of the story of Angrok and of the chronicle at its end, and that the author of the *Nāgarakṛtāgama* had inserted into his poem a complete list of the kings of Singasari and Majapahit. For a man who did not see the different styles in perspective it was natural to use all of them, as they all belonged to the sacred and imperative tradition. The starting-point for the author of the *Babad Tanah Jawi* probably was his master's desire to restore the kingdom of Majapahit. If Majapahit returned to life, early Mataram, in the poet's opinion, would become early

(1) For the rites in question see my treatise in VAWL-NR 59/1. For the relation between the names *Sinḍok* and *Angrok* see MAWL-NR 14, 126 ff. See also Nag. 38 ff.

Majapahit. On the basis of this identification which was closely akin to the ancient interest in allegories, the author changed the decades preceding Agung's conquest of Majapahit (1) into the decades about 1300 by describing Dĕmak and the rise of Mataram in terms of the history of declining Singasari and rising Majapahit; but he added a complete list of the king's predecessors because of what Prapanca had done, and he mentioned Agung and his victories at the end of his poem because of the example given by the author of the *Pararaton*. The list of the king's predecessors, however, had to include the kings of Majapahit, as the king wanted to be one of them, and the opposition within the genealogy between kings of different periods could but lead to a non-allegorical story about Majapahit preceding the allegorical one. As the ancient history had consisted of two inseparable parts, Singasari and Majapahit, the allegory had to consist of two parts as well. In this way the last king of Majapahit could but have two sons, an elder son to start the dynasty of New-Singasari and a younger son to prepare the dynasty of New-Majapahit. As far as I see, therefore, the need of continuity of royal power was not the root, but the fruit of the literary activity of Agung's court poet (2).

This is, I think, the answer to the question why the author of the *Babad Tanah Jawi* gave Agung a series of ancestors some of whom had been kings of Majapahit. The question remains why exactly Agung wanted to be a king of Majapahit. In my opinion the source of this ambition was the 'myth of Greater Majapahit'. The civil war from which Majapahit had suffered in the first decades of its existence had prescribed to Gajah-Mada, chancellor of Majapahit from 1331 to 1364, a new policy, characterized by emphasis upon Java's political unity and by a mildly imperialistic attitude towards the surrounding islands; this new policy had been magically fixed in 1331. Prapanca, as the Buddhist high priest of his days, was thoroughly acquain-

(1) Mentioned in the *Babad Tanah Jawi* as the conquest of Wirasaba, a few years before 1625.

(2) For the question of the opposition between the 'older' and the 'younger' dynasty see the article mentioned above, p. 123, n. 3. It should be noted that the *Babad Tanah Jawi* and the *Pararaton* acquired a supplement for the same reason..

ted with the theoretical background of the new policy, and as his *Nāgarakrtāgama* was a synthesis of the doctrine of Gajah-Mada and of his own interpretation of the *Pararaton*, as far as the structure of the royal genealogy was concerned, the *Nāgarakrtāgama* had, of course, to express the Gajah-Mada doctrine as well. We have no reason to doubt that Majapahit under Gajah-Mada was in the zenith of its power and glory, reigning over large parts of Java plus Madura and Bali, and in contact with a number of foreign countries. Nevertheless, Prapanca exaggerated when he suggested that his king Rājasa-nagara was the centre of the world and the lord of every part of the country, ' uniting the island under his umbrella '. On the other hand, it goes without saying that a few centuries later people were no longer able to distinguish between Majapahit's real power and Prapanca's picture of it. The effect of the *Nāgarakrtāgama* was, therefore, the conception that a king in the full sense of the word must be a man who had ' united Java under his umbrella ' ; and this conception was a challenge to action directed against ambitious generals. We are informed by Dutch reports that Agung wanted to perform the mythical task of subjecting the entire island to his authority, and the way in which the *Babad Tanah Jawi* reports the story of Agung's conquest of Wirasaba, the region of the ancient capital, makes it clear that his campaigns mythically culminated in this achievement (1).

At the time of Agung's first contacts with the Dutch he had been trying to carry out his programme for about ten years, and a few years later, in 1625, he completed, in the military sense of the word, the first part of his task by conquering Surabaya which had been protected by the surrounding marshes for many years. The priests, though and because they were said to have the power of changing the past and arranging the future, did not take unnecessary risks ; of course, Agung had to prove by military successes that he was entitled to the high position he claimed ; the whole course of events shows that,

(1) For Wirasaba see p. 130, n. 1. For Agung's programme cf. VJ 1, 351 ff. and JONG 4, 22 (a report by Coen, written in 1614).

properly speaking, he was a usurper, or that his father had been (1). After the conquest of Surabaya, however, which had been a great achievement and which guaranteed the possession of Majapahit, he was recognized as Java's king, for in 1626 he was given the title *Susuhunan*, ' Majesty ' (2). As Erlangga had been given his series of ancestors after his final victory, we have reason to suppose that Agung was given his after his main achievement, and as the genealogy as well as the new title was the expression of the priests' compliance with Agung's claim, it would be far-fetched to imagine that the *Babad Tanah Jawi* and the king's new title were published on different occasions ; internal evidence gathered from an analysis of the text confirms that it must have appeared in its oldest version before 1629, but I refrain from mentioning the arguments in this paper and may refer the reader to the specialized publications.

The entire ceremony of which the *Babad Tanah Jawi*, in this way, is the record was so characteristically Javanese and so absolutely in defiance of the principles of Islām that it is by no means surprising to find no mention in this book of Agung's having been a Muslim. I am inclined to think that Agung's observance of Muslim religious duties, though in accordance with the fashion of his day, was as irrelevant to the Javanese belief in Agung's divine leadership as Hitler's baptismal bond with the Catholic Church was in Germany twenty years ago. We remember that, according to Dutch information, the interior of Java was said to be a heathen country as late as 1597. The difficulty is that we do not know what ' heathen ' means if a ' Muslim ' king such as Agung was, turns out to have behaved and to have been looked upon in exactly the same way as his great ' heathen ' predecessors. The problem is not specifically Javanese, though, and we shall return to it below, in section V.

(1) Cf. the articles mentioned above, p. 124, n. 1.
(2) VJ 1, 371.

IV

In carrying out his programme, however, Agung collided with the Dutch. The Dutch had come to Bantĕn in North-West Java, because it was one of the centres of the spice and pepper trade. As a result of friction they had decided to found their main settlement, at first no more than a station on the route to the Moluccas, in Jakarta, the later Batavia and to-day once more Jakarta, about fifty miles to the East of Bantĕn. The Dutch, however, had a second settlement, and for the same purpose, in Agung's territory ; for this reason Agung expected them to behave as his other vassals did and to render services in his wars of conquest. It should be noted that this Muslim king did not assume an attitude towards the Dutch merchants different from that of the heathen king who had co-operated with the Portuguese ; Agung himself was fighting the Muslim coastal lords in order to subject them to a central government in the interior of the country (1). But the Dutch, exploiting their favourable geographical position, played Bantĕn and Mataram against each other until Agung was forced to send an expedition against Batavia, if he wanted to remain loyal to his own programme ; Agung would, of course, not be able to conquer Bantĕn as long as Batavia was an enemy stronghold on his way there, and his ardent desire to carry out his programme to its full extent made him undertake the expedition to the West only three years after the capture of Surabaya. The crushing defeat which he suffered in 1628/1629 was the result of this forced initiative, not because of the power of the Dutch, but because of the insurmountable difficulties that confronted the expeditionary force.

Mataram must have been deeply shocked by this defeat, certainly not because of the heavy losses in goods and lives, but rather because of the apparent conflict between factual and magical reality. It is interesting to note that the newly subdued territories in Central and Eastern Java did not try to revolt

(1) Cf. above, p. 115, n. 1.

against Mataram immediately after Agung's defeat ; it seems, therefore, that no political danger ensued from it. But as to the magical aspect of the situation, it was evident in 1629 that the rites of 1626 had not been strong enough. An analysis of the structure of the *Babad Tanah Jawi* shows that the list of Agung's ancestors must have consisted of $3 \times 7 = 21$ members in the original version, and that $4 \times 7 = 28$ ancestors were added in the second instance. The idea must have been in 1629 and the following years that the magical energy of 7×7 ancestors was a better guarantee of success than the energy of only 21 ascendents. However, we have reason to suppose — it is impossible here to give all the arguments without going into details of Javanese linguistics and mythology — that a supplementary device of the priests was to mobilize, apart from the extension of the magical power of the ancestors, the magical power of the demons. As ' demon ' and ' barbarian ' were synonyms, not only in China, but in Java as well, the demons of the 17th century, in the opinion of the priests of Mataram, were the Muslims and the Dutch. We shall see below that *santri* Giri, the chief *wali* or apostle of Islām, represents the king of the demons of Middle-Javanese mythology, and that, from the point of view of typology, he has nothing to do with Snouck Hurgronje's merchants. Mythology, however, is an essential by-product of human language, and through language it is connected with human sense experience. *Santri* Giri is indeed an element of Javanese mythology, but at the same time the notion corresponds to a historical fact, and factually he must have been one of the Muslim coastal lords.

The story goes that this *santri* Giri, when he was on his way to Mecca where he wanted to study Muslim sciences, met his father Wali-Lanang in Malacca, and that this last sent him back to Java, but under a new name, *Prabuselmala.* This name is the key to the interpretation of the official story of Java's ' conversion ' to Islām, as the appellative *prabuselmala* is a variant of *prabusel*, and *prabusel*, ' monkey ', was, in the context of the Sanscrit poem Rāmāyaṇa which was the first Indian poem to be rendered into ancient Javanese, a name for Hanuman, the Ape, and in a way Hanuman, though different in form, was

identical with Rāma, the King, and Wiṣnu (Vishnu), the God. The dynasty which had reigned in Singasari and in Majapahit, had been established by god Brahma, whereas its predecessor had been a dynasty founded by Wiṣnu. By defeating Rāwaṇa, the king of the demons, Rāma had acquired the demon's power so that, when Wiṣnu was obliged to transfer earthly kingship upon the Brahma dynasty, he remained king of the demons ; he exercised this function in eight invisible residences. Now according to the *Pararaton*, Wijaya (= Bra-Wijaya), the first king of Majapahit, had been helped in a very efficient way by Bañakwiḍe/Wīrarāja (1), governor of Madura, after Wijaya had been forced to fly from Singasari whose last king had been murdered by one of his rivals ; this governor summoned the Tatars to come to Java in order to get rid of the murderer and to restore order by placing Wijaya on the throne. It may interest the reader that this is the Javanese version of an event that actually occurred in 1293, when an expeditionary force from Mongol China, at that time under K'ubilai Khan, visited different parts of Indonesia for display of power and invaded Java, where they conquered the residence of the man who had slain the last king of Singasari (2). However, it is not the historical side of this question which claims our attention here ; I mention the story, because in the opinion of the Javanese the Tatars were barbarians, and Bañakwiḍe, the governor of Madura, who had been able to summon them, apparently ruled over these demons. Typologically, therefore, the governor of Madura whose story was found in the *Pararaton* was deemed to be identical with Prabuset ; in the *Babad Tanah Jawi* he bears the same name as he is given in the *Pararaton*, but his alias here is *Siyung-Wanara*, a variant of ancient Javanese *si hyang Wānara*, 'Divine Ape ', and a synonym of *Prabusel*. Prabuset appears in his quality of king of the demons in the interval between the dynasty of Wiṣnu and the dynasty of Singasari, and Siyung-Wanara appears in the interval between the dynasty of Singasari and the dynasty

(1) *Bañakwiḍe* is the governor's Javanese name. The second name is Sanscrit. The two names belong to the same person, but they have different meanings.
(2) HJG 343 f. and 355 ff.

of Majapahit. The normal place for the king of the demons to make his appearance, therefore, seemed to be an interval between two dynasties.

Unfortunately, the court poet of Mataram was not able to place the king of the demons as the introducer of Islām in the interval between Dĕmak and Mataram where he ought to have appeared, as it was Mataram itself that was interested in the power of the demons. As we have seen above, the oldest version of the *Babad Tanah Jawi* had contained a story to explain how the power of Dĕmak had been transferred to Mataram, and as Mataram was a kind of New-Majapahit, and Dĕmak, therefore, had to be a New-Singasari, the story of the *Pararaton* about the transfer of power from Singasari to Majapahit could be used in order to represent the transfer of power from Dĕmak to Mataram. Some technical adaptations were unavoidable, however, as some other mythological factors, too, had to be taken into account. To explain these factors here would lead us to far from the present question, but the result of the poet's fitting the pieces together was that the story about the relation between Dĕmak and Mataram introduced a queen of considerable wealth who in Nature's garb practised austere asceticism on Mount Danaraja, that *ratu* Kaliñamat whom I have mentioned before. This story showed features sufficiently akin to the tales about the king of the demons (1) to prevent the poet from inserting the story about *santri* Giri and his mobilization of the power of Islām at the place where he would have liked, I think, to insert it, viz. in the story about the interval between Dĕmak and Mataram. The second best solution was to place *santri* Giri alias Prabusetmata between Majapahit and Dĕmak ; and here we find it, as a matter of fact. This is, in my opinion, the only reason why the *Babad Tanah Jawi* connects the fall of Majapahit with the rise of Islām ; the connection is, as far as the genesis of the *Babad Tanah Jawi*

(1) In the *Babad Tanah Jawi* Bañakwiḍe's place as a ruler over the demons is taken by his ' sister ', the ' nun of the bee-hill '. She too is said to have left her father's palace in order to perform asceticism in the mountains.

is concerned, purely incidental and has nothing whatever to do with history.

According to the Javanese doctrine laid down in the *Babad Tanah Jawi*, the date of Java's conversion to Islām was, therefore, accurately definable : it had happened in 1400 Çāka (1478 A. D.), when the 14th century ended and a new century or era started. In the same way as in primitive European thought the secular year, or even anniversaries and silver jubilees and that sort of things, are important dates which separate two distinct periods, so in the opinion of the Javanese 1400 Ç. sharply separated the ancient heathen world of Singasari and Majapahit on one side and the Muslim world of Dĕmak and Mataram on the other. It seems difficult for many people to realize that anniversaries and similar dates are meaningless outside the primitive emotional sphere where the rhythm of man's life is tied up with the difference of seasons ; it seems still more difficult to realize that in the gradual evolution of social institutions dates cannot play the same part as in the sphere of concrett individual activities. As to the process we are dealing with in these pages, Java has never been *converted* to Islām, and it is meaningless to look for people who converted it ; Java's pattern of culture has absorbed, in the course of the centuries, elements of Islām, as it had absorbed elements of Hinduism and Buddhism before, and as it was to absorb elements of European civilisation later. The process of this absorption has been no more rectilinear than any other process of social change, as it consisted of random shifts in the position of the constituent elements of the pattern, each shift of local importance and dependent on the circumstances.

In this process of Islamisation — Islamisation it was, but in my opinion Islamisation is not the same as conversion to Islām — kings and princes operated as factors of acceleration and deceleration, for reasons of their own, as Schrieke and van Leur have rightly pointed out ; a pious prince is abnormal, as abnormal as pious merchants, though abnormalities do occur. Confining ourselves to normal cases of rulers reacting to political situations, we have reason to turn our attention to the part which Agung played in the process of Java's Islami-

sation. We know from Dutch sources that Agung had not been unfriendly towards the Dutch in the first years of their contact, but that he took a hatred against them in the year of his defeat which he was never able to wipe out (1). It is natural that Agung's heart went out in those years to the bitterest enemies of the Dutch in the Indonesian seas and islands, the Portuguese and the Muslim merchants, and that his sympathies drove him into the arms of Islām. If he had been, up to 1629, a Muslim by virtue of fashion, he now became a Muslim under the laws of political tactics. The Dutch ambassador who visited Mataram after Agung's death in 1646 reported that Agung in the second part of his life had tried to acquire a Muslim title from the 'king of Mecca' (2). This is the item which made Snouck Hurgronje point out that such a step of the king of Mataram betrayed a complete ignorance of Mecca's position. But there are other aspects of this question which Snouck Hurgronje did not see. It strikes us that Agung behaved as a Hindu-Javanese king up to the moment of his defeat by the Dutch, because his campaign against Batavia ensued from his belief in the myth of Greater Majapahit, not from any desire to carry on the Holy War of the Muslims against the unbelievers; a few years after 1626, however, the title of *Susuhunan*, which had fitted in with his programme of subduing the whole island of Java, was no longer sufficient. It strikes us, too, that Mataram changed the face of its history by introducing the Muslim calendar, on 1 Muḥarram 1043 H. = 1 Sura 1555 A. J. or Ç. = 8 July 1633 A. D., four years after the catastrophe (3). Because of the mission to Mecca and because of the Islamisation of the calendar it is likely that the court poet's interest in Java's 'conversion' to Islām, which is in sharp contrast to the Hindu-Javanese trend in the rest of the book, did not awake before 1629 and that it characterized only the second version of the *Babad Tanah Jawi*; and there exist

(1) VJ 1, 355 f. and 1, 394 ff.

(2) VJ 1, 384 f.

(3) *A. J.* indicates a Çāka-year in combination with the Muslim calendar. *Sura* is the Javanese name of Muḥarram (from *'ashūrā'*).

definite arguments to prove that the text has been rewritten, especially in connection with the genealogy and with the character of the king of the demons (1). On the other hand, the ' new look ' did not mean a rupture between past and present ; the theory of the later Javanese historiographers which Brandes adopted in the first years of his research in this field is definitely untenable. The second version of the *Babad Tanah Jawi* reminds us of the *Nāgarakrtāgama* : it was to a very large extent identical with the theory it replaced, and the new element was expertly inserted so as not to damage the character of the whole structure ; in the same way as in the *Nāgarakrtāgama* the new kings are in harmony with the context, *santri* Giri and his Islām are in the *Babad Tanah Jawi*. As the same conservative tendency manifests itself in the field of chronology where the Çāka era characteristic of the past was combined with the Muslim calendar, we may safely believe that the calendar reform and the re-issue of the *Babad Tanah Jawi* were not separate events ; I think it likely that the official theory of Java's ' conversion ' to Islām in 1400 Ç. was launched on 1 Sura 1555 A. J. = 8 July 1633.

V

The oldest version of the *Babad Tanah Jawi* was, whatever the impression which it makes on the European reader, a product of erudition. The second version, however, was a *cleverly* written book ; it had to contain a statement about Java's conversion to Islām in connection with the king's new attitude towards this religion, and at the same time it had to conserve the elements of Javanese magic which had consolidated Agung's position in 1626. The first readers must have admired the poet's achievement ; they knew, of course, the ancient traditions better than Islām, and it was easy for them to recognize the ancient characters under the new names and to see how they had been made subservient to the new state myth. However, the normal reaction to a myth is belief on the part of the speech-

(1) Cf. the articles mentioned above, p. 124, n. 1.

community, and after the few insiders had died, normal belief must have taken the place of an admiration mixed, perhaps, with the augur's smile of understanding. The later readers did not find in the text a word about the ceremony of 1626, nor about the change in Agung's attitude towards Islām caused by his defeat in 1628/1629, and in the course of time the story of Java's conversion in 1400 A. J. became part of everybody's cultural outfit. Hence, of course, the later story given by the *Sĕrat Kanḍa*, that the Muslims had had to fight for many years before they finally succeeded in establishing the new faith ; to him who had heard about the power of the empire of Majapahit the story of a long war must have sounded more plausible than the story of the *Babad Tanah Jawi*, as is evident from the reactions of European scholars (1).

In the meantime, processes of a different nature went on in Java as well. In the 15th and 16th centuries Islām had been accepted by the coastal lords, and it is probable — though not certain — that their position was stronger than that of the heathen king in Majapahit or some similar place. In that case we may suppose that before 1600 the new religion slowly penetrated into the interior of the country ; the fact that Agung was a Muslim in 1622 agrees with this. I must repeat that ' Islamisation ' describes this process of peaceful penetration better than the term ' conversion '. The whole picture changed, however, when Agung — or perhaps his father — started to subject the North coast area to the authority of the inland power of Mataram, because the bearers of a more purely heathen civilisation were now going to replace, to some extent at least, the members of the ancient coastal families who had already confessed Islām for about a century, or even more than a century ; the heathen outlook with which we are confronted in the *Babad Tanah Jawi* cannot but have exercised its influence as soon as it became the standard record of Java's past in the newly conquered territories. Schrieke remarks in one of his articles that the rise of Mataram restored the hegemony of the agrarian group at the expense of the commercial coastal lords,

(1) Cf. GO 6 f.

but this holds good for the colour or the type of mythology as well. The effect may well have been that the expansion of Islām was checked, for the time being ; the question may even be put whether the coastal area was not more fervently Muslim in the 16th century, perhaps, than it is to-day. On the other hand, if since 1633 the official myth of the empire of Mataram allowed for Islām as the nation's official religion, this factor may have neutralized the checking effect of the change of the cultural penetration from the coast to the interior into a flow from the centre to the coast. We do not know which of the two theories is right, let alone the effect of the contradictory forces. I am afraid that the problem of Islamisation was falsely put in the last few decades of our study of Java's religious conditions ; we shall have to reconsider the data at our disposal, though on a weaker basis than we seemed to stand upon before the problem grew intricate.

It has been asked whether or not the Javanese are Muslims. The fact that this question has been put is interesting in itself, because it shows that different opinions *could* be held, by persons, of course, of different general outlook. Those who are familiar with Snouck Hurgronje's books and articles, remember that he for one emphasized the Muslim character of Javanese society. However, we do not detract from Snouck Hurgronje's merits in the field of scholarly research, if we state that his daily task in Indonesia inevitably made him the champion of this doctrine. In the more or less emotional sphere of social morality the adviser's delicate task was to teach government officials to respect the religious feelings of the Indonesian population. Snouck Hurgronje did not teach this in vain. But with all due respect for other people's religious feelings in social contact, we must state that the sociologist's task is rather to analyze patterns of culture and to find out the relation between a given mythology or doctrine and the *real* behaviour of the group concerned, without being prejudiced in whatever direction ; for him a confession of faith is an interesting fact, but no more than one of the facts which he has to take into account.

It may be that, this analysis once being made, the answer will be positive ; may-be it will not. We simply do not know,

for the time being. A culture is a very complicated structure, more complicated than the structure of a language. Structural linguistics has shown that adequate descriptions of languages are rare, and that the possibilities of reconstructing past conditions are limited. We are still far from having an adequate description of the Javanese pattern of culture, and as far as Java is concerned the relation between professed religion and social behaviour is still completely obscure. This warns the reader, of course, against attaching too much importance to historical investigations of the kind tried here. On the other hand, theories have been proposed in this field which seem not quite acceptable. Even should this article contain useful counter-arguments, the author is well aware of their provisional character.

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(Leyden).

LIST OF ABBREVIATIONS

BKI = Bijdragen tot de Taal-, Land- en Volkenkunde, The Hague; BSB = H. Djajadiningrat, Critische Beschouwing van de Sadjarah Bantĕn, Haarlem 1913; D = Djåwå (periodical, published by Java-Instituut, Jogjakarta); GKI = Gedenkschrift (Koninklijk Instituut voor de Taal-, Land- en Volkenkunde van Nederlandsch-Indië), the Hague 1926; GO = H. J. de Graaf, Over het ontstaan van de Javaanse rijkskroniek; HJG = N. J. Krom, Hindoe-Javaansche Geschiedenis, second edition, The Hague 1931; Ind. = Indonesië (periodical), The Hague; ISS = Indonesian Social Studies, The Hague; JONG = J. K. J. de Jonge, De opkomst van het Nederlandsch gezag in Oost-Indië, the Hague and Amsterdam (vol. iv of 1865); LAH = J. C. van Leur, Eenige beschouwingen betreffende den ouden Aziatischen handel, Middelburg 1934 (English translation in ISS 2); MAES = J. P. B. de Josselin de Jong, De Maleische Archipel als ethnologisch studieveld, Leiden 1935; MAWL-NR = Mededelingen der Koninklijke Nederlandse Akademie van Wetenschappen, afd. Letterkunde (NR = nieuwe reeks), Amsterdam; Nag. = Nāgarakrtāgama, ed. Kern and Krom, The Hague 1919; ONJL = G. A. J. Hazeu, Oud en nieuw uit de Javaansche letterkunde, Leiden 1921; Par. = Pararaton, ed. Brandes, VBG 49/1; RP = W. H. Rassers, De Pandji-roman, Antwerp 1922; SBB = B. J. O. Schrieke, Het boek van Bonang, Utrecht 1916; TBG = Tijdschrift voor Indische Taal-, Land- en Volkenkunde (Bataviaasch Genootschap), Batavia (Djakarta); VAWL-NR = Verhandelingen der Koninklijke Nederlandse Akademie van Wetenschappen, afd. Letterkunde, Amsterdam (NR = nieuwe reeks); VBG = Verhandelingen van het Bataviaasch Genootschap van Kunsten en Wetenschappen, Batavia (Djakarta); VG = H. Kern, Verspreide Geschriften, The Hague; VGGS = C. Snouck Hurgronje, Verspreide Geschriften (Gesammelte Schriften), Bonn and Leipsic; VJ = P. J. Veth, Java, second edition, Haarlem 1896 ff.

CORRIGENDA

Studia Islamica, fasc. IV

P. 78, l. 28, *read :* (Tou-kioue)

P. 79, l. 2, *read :* that when the Byzantine envoy arrives the time

l. 34, *read :* Il-teriş

P. 84, l. 5, *read :* Mongols

l. 17, *read :* Imams

P. 85, note 2, l. 2, *read : al-naḳḍ*

P. 89, l. 30, *read :* insofar